




County of Fairfax, Virginia

MEMORANDUM

DATE: January 20, 2007

TO: Board of Supervisors

FROM: Anthony H. Griffin 
County Executive

SUBJECT: 2007 Legislative Report No. 1 – Board Legislative Committee meeting of January 19, 2007

The regular 2007 Session of the Virginia General Assembly convened on January 10, 2007, and is scheduled to adjourn on February 24, 2007. This is a “short” session of 45 days.

Due to the early bill filing requirements, the General Assembly has gotten off to a rapid start. Each member was allowed to prefile an unlimited number of bills, as long as those bills were submitted for drafting prior to December 11, 2006. Members are limited in the number of bills allowed to be filed after the commencement of the session.

The 2007 Session is proving to be an intense one. Newspapers have reported that over 4,000 bills had been submitted for drafting by the prefilings deadline; as of January 19, 2658 bills had been introduced.

The Legislative Committee met on January 19, 2007 to consider several issues of importance to the County, and the Committee offers the following report and recommendations for action to the Board.

Members present:

Chairman Gerald E. Connolly
Supervisor Sharon Bulova
Supervisor Joan DuBois
Supervisor Catherine Hudgins
Supervisor Penelope Gross
Supervisor Gerald Hyland
Supervisor Linda Smyth

I. Fairfax County Initiation of Legislation

HB 2215 (Amundson) (HCCT) allows Fairfax County (described by form of government) to require vendors and contractors, who are awarded a county contract to perform work within the county, to pay to persons who are employed to perform such a contract and who will work within the county a wage higher than the federal minimum wage. (078410260) (Legislative Committee has asked for bill to be withdrawn.)

HB 2485 (Bulova) (HGL) provides for the consideration of environmentally preferable products in the procurement of goods and services by state and local agencies. The bill defines environmentally preferable goods and services. (078409260)

HB 2598 (Plum) (HCCT) adds "sexual orientation" as prohibited discrimination in a county with the urban county executive form of government (Fairfax County). (071127336)

HB 2727 (Englin) (HGL) Allows any tenant who is disabled or elderly to assign the exclusive right to purchase his unit to a government agency, housing authority, or certified nonprofit housing corporation, which shall then offer the tenant a lease at an affordable rent, in the case of a conversion condominium. The bill provides that the acquisition of such units by the governmental agency, housing authority, or certified nonprofit housing corporation shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium or (ii) impede the condominium conversion process. The bill defines affordable rent and certified nonprofit housing corporation. **SB 968** (Whipple) (SGL) allows for a condominium conversion tenant who is disabled or elderly to assign his right to purchase to a government agency, housing authority, or certified nonprofit housing corporation. This bill is a recommendation of the Virginia Housing Commission. (074630299)

HB 2789 (Hull) (HGL) provides that when violations of the Building Code relating to occupancy limits, where a dwelling results in not being a safe, decent, and sanitary dwelling, in a locality where the governing body has taken action to enforce the Maintenance Code, any owner, other person, firm, or corporation convicted of such violation may be punished by increase fines and confinement in jail for not more than 10 days. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500. (071415336)

SB 735 (Cuccinelli) (SGL) gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted. (071601720)

SB 1007 (Saslaw) (SCT) prohibits the possession of weapons at any law-enforcement facility in the Commonwealth. There is an exception for law-enforcement officers. (078411260)

SB 1039 (O'Brien) (STRAN) prohibits the use of cellular telephones for such drivers while operating a motor vehicle and makes a violation of this provision and other restrictions applicable to provisional drivers a primary offense, rather than a secondary offense as currently provided by law. (072869260)

SB 1040 (O'Brien) (STRAN) makes a violation of the various restrictions, such as passenger and curfew limitations, that are applicable to drivers under 19 years of age a primary offense, rather than a secondary offense as currently provided by law. (072870260)

SB 1114 (Davis) (SCT) requires an owner of residential property to also notify purchasers that there are no pending enforcement actions for any violation of the local zoning ordinance concerning the property of which the owner has been notified in writing by the locality. (071977260)

SB 1252 (Herring) (SLG) allows a procedure for the alternative use of cash escrows previously furnished to the governing body by the owner or developer in conjunction with the approval of a subdivision plat or site plan where such escrows were to be used for the construction of identified public improvements by someone other than the owner or developer. (071976260)

II. Specific Issues

- Republican Transportation Funding Plan – Staff briefed the committee on the land use, funding, and VDOT reform portions of the recently released plan, to the extent that information regarding this plan is known. Staff will monitor the introduction of legislation and budget amendments and report to the Board as details of the plan become available.
- Demolition Permits – Staff was directed to examine the issue in terms of possible penalties for violations or other remedies and to report back to the Board.
- Analysis of Governor Kaine's 2006-08 Budget Amendments – The committee discussed the possible impacts of the Governor's budget amendments on the County, particularly in the area of public safety funding.

III. Specific Legislation

HB 1658 (Alexander) (HCCT) requires state and local public bodies whenever acquiring a fee simple interest in real property to have a survey of the subject property completed prior to the purchase. Amend to limit bill to purchases of real property above a reasonable threshold amount. (071493208)

HB 1699 (Lingamfelter) (HCCT) repeals authority of imposition and collection of local vehicle license fees and taxes. This does not affect the ability of localities to impose personal property taxes on vehicles. Oppose. (076292380)

HB 1706 (Lingamfelter) (HFIN) provides that localities must set real estate tax rates so that the total real estate tax revenue will not increase by more than 3% over the previous year's total real property tax levies with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year, but in no event shall the rate be set at any amount that would produce more than 6% growth. Oppose. (071920380)

HB 1710 (Callahan) (HAPP)/**SB 771** (Chichester) (SFIN) authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works to implement the Commonwealth's Chesapeake Bay Tributary Strategies. Support. (074383129, 074382129)

HB 1718 (Marshall) (HTRAN) allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. The bill also provides that the Department of Transportation shall collect cash payments, in lieu of cash payments or proffers accepted by a locality, in an amount equal to that which a locality could accept pursuant to its ability to accept proffers if the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality, gives rise to the need for such cash payments or proffers. Oppose. (071614396)

HB 1721 (Eisenberg) (HFIN) broadens the current tax credit that is granted for adding to existing residences home accessibility features for the disabled to also include such features in new residential construction, for taxable years beginning on or after January 1, 2007. Recommend support. **HB 2498** (Orrock) (HFIN) /**SB 791** (Puller) (SFIN) requires the Department of Housing and Community Development to develop guidelines establishing the eligibility requirements for the tax credit in § 58.1-339.7. Changes the name of the disabled tax credit to the "Livable Home Tax Credit" and extends it to any taxpayer who purchases a new residence. This bill is a recommendation of the Virginia Disability Commission. Support. (071306301, 076089448, 077497796-S2)

HB 1747 (Marshall) (HTRAN) designates portions of certain highways within the Eighth Planning District as Emergency Response Evacuation Routes and prohibits impediments not approved by the Manual on Uniform Traffic Control Devices from being placed on those portions of highways. Oppose. (078152396)

HB 1763 (Purkey) (HFIN) creates a separate classification for personal property tax purposes for motor vehicles designed and primarily used for hauling waste. The revenues collected from such motor vehicles are to be used for transportation purposes by the locality collecting the tax. Oppose. (078994472)

HB 1791 (Griffith) (HGL) adds an additional response to address situations when a public body receives a request for public records under FOIA but cannot find the requested records or the requested records do not exist. The bill also clarifies the other responses to requests for public records under FOIA. The bill also contains technical amendments. Amend to remove language requiring identification of other public bodies that have the requested records. Also, restore language concerning records being granted by the custodian of the records. (061802308)

HB 1876 (Caputo) (HST) prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel. Support. (074213262)

HB 1888 (Albo) (HFIN) provides that the total tax revenue in a locality may not exceed 105% of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body. Oppose. (078016204)

HB 2048 (McQuigg) (HGL) prohibits the State Fire Marshal from charging a fee for permits issued for the inspection of schools operated or conducted under the auspices of a religious institution. Oppose. (071507412)

HB 2127 (Hugo) (HFIN) requires localities to provide individual notice to each real estate taxpayer of certain proposed tax rates. The notice is triggered in any year in which any annual assessment, biennial assessment, or general reassessment at the current rate would result in an increase of one percent or more in the total real property tax revenue in the following year, and the locality's proposed rate would yield in the forthcoming year more than 101 percent of the total real estate tax revenue received in the prior year. The individual notice shall include the property owner's current real property tax levy, the real property tax levy at the proposed rate, as well as two incremental levies for potential rate changes between the current tax rate and the proposed tax rate. Oppose as redundant. (078258103)

HB 2146 (Albo) (HCT) provides that any driver or operator of a motor vehicle who leaves an unattended child in a motor vehicle is guilty of a Class 1 misdemeanor. The bill defines "unattended child" as a child under six years of age who has been left in a motor vehicle by the driver or operator of the vehicle when the driver or operator is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child. Monitor **HB 2711** (Barlow) (HTRAN) provides that it is unlawful for any person who is responsible for a child younger than six years of age to leave such child

unattended in a motor vehicle if the conditions within the vehicle or in the immediate vicinity of the vehicle, including outside temperature, present a risk to the health or safety of the child. The penalty for a first offense is a \$100 civil penalty, for a second offense a Class 4 misdemeanor, and for a third or subsequent offense a Class 3 misdemeanor. (077006412, 074323224) Monitor.

HB 2158 (O'Bannon) (HAPP) requires the Commissioner of the Department of Health and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent similar fatalities. The Team is charged with reviewing the death of any incapacitated adult of age 18 or older, and any adult of age 60 or older (i) who was the subject of an adult protective services investigation, or (ii) whose death was due to abuse or neglect or acts that suggest abuse or neglect, or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to § 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also exempts any information acquired during a review from the Virginia Freedom of Information Act. Support. (071706440)

HB 2200 (Wardrup) (HAPP) repeals the current structure and formula for distributing certain state funds for local law enforcement in localities that have a police department, and appropriates the associated funds for transportation projects in all localities on a pro rata basis, based on population. Oppose. (071946536)

HB 2233 (Nutter) (HTRAN) Rail Enhancement Fund. Provides that a resolution from each local governing body of each locality within which a portion of a project is located approving the project must be received before funds may be expended. (078003436) Support.

HB 2259 (Rust) (HGL) expands the current record exemption for state or local park and recreation departments to include local and regional park authorities. As a result, certain records of such authorities are not subject to mandatory public disclosure. Support; Board position in Legislative Program. (078408260)

HB 2261 (Rust)(HCCT) provides for enhanced fines for any conviction resulting from a violation of provisions related to overcrowding of residential dwellings. These violations shall not be punishable by a jail term. Support. (073272492)

HB 2283 (Watts) (HFIN) creates a formula for determining net financial worth with regard to deferring or exempting real estate tax for elderly and disabled in certain localities. The net combined financial worth is to be determined as the portion of net combined financial worth equal to the percentage of total combined income derived from pension or social security income. (078220544) Oppose.

HB 2294 (McClellan) (HCL) classifies policemen, firefighters, sheriffs and their deputies, and certain other individuals who are generally deemed to be employees of their employing locality for purposes of the Virginia Workers' Compensation Act, as employees of the Commonwealth

while rendering aid outside of the Commonwealth pursuant to a state-approved request under the Emergency Management Assistance Compact. Support. (074387402)

HB 2443 (Frederick) (HFIN) repeals local license (BPOL) taxes. Oppose. (075226303)

HB 2486 (Bulova) (HCCT) /**SB 939** (Ticer) (SLG) provides that certain localities may, by ordinance, require conservation of trees during the development process. The bill also provides that the tree conservation ordinance may require that the site plan for any subdivision or development provide for the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 10 years after development is projected to be as follows: (i) 10% tree canopy for a site zoned business, commercial, or industrial; (ii) 10% tree canopy for a residential site zoned 20 or more units per acre; (iii) 15% tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20% tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30% tree canopy for a residential site zoned one to five units per acre. Finally, the bill mandates that any tree conservation ordinance provide for reasonable exceptions to or deviations from the canopy requirements. Support; Board position in Legislative Program. (074265254, 071643828)

HB 2489 (Bulova) (HCCT) allows localities to adopt an ordinance establishing a reasonable time limit for the construction of a single-family detached dwelling unit, or any exterior addition or modification to a single-family detached dwelling unit, located on a lot equal to or smaller than one acre in size or that is located 200 feet or less from the next closest single-family detached dwelling unit. Support with clarifying amendments. (074264254)

HB 2490 (Bulova) (HCCT) removes the exemption for Planning District 8 with regard to preparation of a regional strategic plan. Oppose unless amended to fully fund. Discussion among Northern Virginia jurisdictions should occur as to the need. (078914254)

HB 2507 (Jones, D.C.) (HFIN) prohibits assessors and appraisers from considering federal or state income tax credits when determining fair market value of real property for valuation purposes. Oppose; not needed. (075038364)

HB 2553 (Ebbin) (HGL) allows a local governing body to meet by electronic communication means when a local state of emergency has been declared in accordance with § 44-146.21 provided (i) the meeting is necessary to take action to address the emergency, (ii) notice, reasonable under the circumstances, of the emergency meeting shall be given contemporaneously with the notice provided members of the local governing body conducting the meeting, (iii) the local governing body makes arrangements for public participation, and (iv) the local governing body otherwise complies with the requirements for electronic communication meetings. Support. **HB 2669** (Sherwood) (HGL) allows public bodies to meet by electronic communication means without a quorum of the public body physically assembled at one location when (i) the Governor has declared a state of emergency in accordance with

§ 44-146.17, (ii) the meeting is necessary to take action to address the emergency, and (iii) the public body otherwise complies with the electronic communication meetings law. The bill also authorizes the local governing body to meet by electronic communication means when the Governor has declared a state of emergency in accordance with § 44-146.17 in an area that includes the locality and (a) the meeting is necessary to take action to address the emergency, (b) notice, reasonable under the circumstance, of the emergency meeting shall be given contemporaneously with the notice provided members of the public body conducting the meeting, (c) the local governing body makes arrangements for public participation, and (d) the local governing body otherwise complies with the electronic communication meetings law. Support. (078031300, 078643105)

HB 2588 (Janis) (HMP) Names the Superintendent of the Department of State Police as chief law-enforcement officer for purposes of certifying applications for the transfer and registration of machine guns. Federal law requires that the applications be certified by a chief law-enforcement officer. Amend to clarify as to notification of local police chief. (074776248)

HB 2634 (Reid) (HRUL) requires a sunset date of no more than four years on all taxation bills that add new taxes or increase tax rates. Oppose. (071916488)

HB 2667 (Bulova) (HCCT) /**SB 1323** (Cuccinelli) (SLG) provides that for the purpose of zoning, the governing body of a locality shall have jurisdiction over any advertising structure or any sign located on real property held, operated, or possessed by an educational institution described as being "at" such locality if such advertisement structure or any part of the advertising or informative contents of such sign is visible from real property that is not held, operated, or possessed by such educational institution. Nothing contained herein shall impair, limit, modify, or supersede any expressed term of any management agreement entered into on or before January 1, 2007. (071648254, 079197720) Support.

HB 2726 (McClellan) (HMP) grants authority to localities to request the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality. Support. (074386402)

HB 2811 (Sickles) (HMP) requires the Department of State Police, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop educational materials concerning the possession of firearms in homes occupied by a mentally ill person. Such materials shall be available on each Department's website. The Department of State Police shall also establish a program to allow for the storage of firearms by owners who reside in a home with a mentally ill person. Support. (075830510)

HB 2814 (Sickles) (HCCT) /**SB 1254** (Herring) (SLG) allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the

locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public and private resources will address the anticipated transportation impact of the proposed development. Support. **SB 817** (Cuccinelli) (SLG) allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. Support. (078355124, 078354124, 077466720)

HB 2821 (Sickles) (HGL) exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing an individual's social security number; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying. Support. (070862510). **SB 819** (Cuccinelli) (SGL) exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing personal information concerning an identifiable individual, including date of birth, social security number, driver's license number, bank account numbers, credit or debit card numbers, personal identification numbers, electronic identification codes, automated or electronic signatures, biometric data, or fingerprints; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying. Support. (078317720)

HB 2871 (McEachin) (HAPP) /**SB 789** (Stosch) (SFIN) creates trusts or equivalent arrangements to fund the costs of providing postemployment benefits other than pensions for the Commonwealth and for counties, cities, towns, school divisions, and other political subdivisions of the Commonwealth. Support; consensus bill agreed to by many participants. (078516410, 077462824)

HB 2986 (Ingram) (HCCT) Requires every locality located in Planning District 8 to include in its zoning ordinance provisions for the governing body to enter into binding development agreements with any persons owning legal or equitable interests in real property in the locality. Such agreements shall be authorized by ordinance, shall be for a term not to exceed 15 years, and may be renewed by mutual agreement of the parties for successive terms of not more than 10 years each. Development agreements may provide, among other things, for specific land uses and the density or intensity of such uses. No locality shall either request or accept a cash payment as part of a development agreement whose amount is scheduled to increase annually, from the time of agreement until tender of payment, by a percentage greater than the annual rate of inflation. Oppose. (071111344)

HB 3006 (Marsden) states that upon conviction for certain youth gang offenses, the probation and parole officer shall verify the offender's immigration status. Permits further investigation of the offender's household. Support with amendment to delete reference to household members. (079816390)

HB 3012 (Frederick) (HPE) prohibits any governing body member from soliciting or accepting a campaign contribution from a person with a personal interest in a transaction pending before the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Prohibits any person with a personal interest in a transaction pending before the governing body from making or promising to make a campaign contribution to a member of the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Includes special disclosure requirements, definitions, and civil penalties for violations. Oppose. (079814303)

HB 3066 (Miller, P.) (HTRAN) prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel. Support.(079368422)

HJ 624 (Brink) (HPE) /**SJ 398** (Whipple) (SPE) directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20% of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied. Support; VACo supports. (075565248, 075566844)

HJ 654 (Albo) (HRUL) requests the Fairfax County Board of Supervisors, together with members of the House of Delegates and the Senate of Virginia who currently represent districts within Fairfax County, to study the efficiency and effectiveness of the County's form of government. Oppose. (076106204)

SB 776 (Cuccinelli) (SCT) makes several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing. Oppose. (073072720)

SB 827 (Davis) (SCT) adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds the definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check. The bill also provides that any party who sells, transfers, or trades a firearm shall be immune from all civil liability stemming from the use of the firearm sold, transferred, or traded in the commission of a crime if a criminal background check was conducted prior to the sale, transfer, or trade. Support. (075050726)

SB 835 (Davis) (SRSS) provides exemption to receive TANF benefits for persons who have been convicted of a felony drug offense pursuant to § 18.2-250 and comply with criminal court orders and treatment programs, as permitted by federal law. Support. (075058726)

SB 838 (Davis) (SLG) requires each individual member of the governing body, the planning commission, and the board of zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance, which does not constitute the adoption of a comprehensive zoning plan or ordinance applicable throughout the locality, to make a full public disclosure of certain business or financial relationships that such member has or has had within the 12-month period prior to such hearing. Also, each individual member of the governing body in any proceeding involving a proposed amendment to the comprehensive plan shall, at or before any such proceeding, make a full public disclosure of certain business or financial relationships that such member has or has had since the local planning commission commenced preparation of such proposed amendment to the comprehensive plan. Any person knowingly and willfully violating the provisions of this section shall be guilty of a Class 1 misdemeanor. Oppose; Board has historically opposed. (075061726)

SB 848 (Lambert) (SFIN) provides that if a change in assessment is due to an assessment made under §§ 58.1-3292 or 58.1-3292.1, which respectively require assessments of new buildings when completed and substantially completed, then notice of such change in assessment need not set out the immediately prior appraised or assessed value of the land or improvements, or the percentage change in the new tax levy from the immediately prior one. Support. (074769748)

SB 849 (Lambert) (SGL) provides that certain condominium units owned by the declarant shall be assessed and taxed against the declarant based solely upon the income derived from that unit. Oppose. (074770748)

SB 865 (Miller) allows the children of VIEW participants to continue receiving TANF financial assistance beyond the initial 24-month period if (i) the VIEW-participating parent is no longer the children's legal guardian, (ii) another relative of the children now has legal custody, and (iii) the children otherwise meet the eligibility requirements set forth in §§ 63.2-602 through 63.2-607. This bill is contingent upon appropriation of funds. Support. (077616768)

SB 934 (Ticer) (SRSS) provides exemption to receive TANF benefits for persons who have been convicted of a felony drug offense pursuant to § 18.2-250 and comply with criminal court orders and treatment programs, as permitted by federal law. Support; bill has been rolled into SB 835. (074654828)

SB 995 (Blevins) (SEH) requires the Department of Medical Assistance Services to amend the state plan to provide for the payment of medical assistance, pursuant to The Foster Care Independence Act of 1999, for any individual who (i) was receiving foster care services on his eighteenth birthday, (ii) continues to receive independent living services pursuant to § 63.2-905.1, and (iii) has not yet reached his twenty-first birthday. Such individuals shall not be subject to Medicaid income limits. Monitor. (078188702)

SB 971 (Howell) (SGL) provides that a sheriff's department of any city or county shall not be precluded from securing supplemental liability insurance coverage beyond the coverage provided by the Division. Support. (078868744)

SB 1043 (O'Brien) (STRAN) requires the Department of Motor Vehicles, in cooperation with the Department of Education, to develop, produce, and make available instructional materials for use by parents of minors who hold learner's permits or provisional driver's licenses. These materials are to be designed to assist parents in ensuring that their children develop the skills, knowledge, habits, and awareness necessary for becoming safe drivers. They are, further, to be made available free of charge in the Department's Customer Service Centers. Support. (079303784)

SJ 378 (O'Brien) (SRUL) establishes a 10-member joint subcommittee to study revision of the curriculum for teen driver training programs. Support. (079305784)

SB 1063 (Rerras) (SFIN) provides that a county, city, or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city, or town. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates. Oppose. (072140804)

SB 1123 (Cuccinelli) (SGL) provides that the Auditor of Public Accounts shall periodically review the security of any database or information system maintained or operated by any agency or other governmental entity of the Commonwealth that contains personal information regarding any individual to ensure that appropriate measures are in place to prevent unauthorized or unlawful access to this information. On an annual basis, the Auditor shall report the results of its review to the General Assembly and make recommendations for new or revised security measures, if needed. Amend to clarify that the bill only applies to state agencies. (079145720)

SB 1176 (Stolle)(SGL) adds the regulation of secondhand dealers and secondhand stores to current statutes regulating pawnbrokers. The bill also (i) requires secondhand dealers to prepare a daily report of goods and items sold to them, (ii) requires a pawnbroker to maintain records of each loan or transaction in the course of business for a period of one year, (iii) requires pawnbrokers and secondhand dealers to obtain a single thumbprint of the person pawning or selling an item, and (iv) authorizes localities to enact an ordinance requiring

pawnbrokers and secondhand dealers to report their daily transactions electronically to a designated law-enforcement official of the locality. The bill adds secondhand dealers to the existing penalty provisions for pawnbrokers. Support. (071534820)

SB 1181 (Williams) (STRAN) allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto. Amend to require formation of advisory work group to include counties; to require public meetings throughout the Commonwealth; to maintain status quo with respect to accepting streets into the state highway system until new regulations take effect; and to grandfather development proposals pending or otherwise vested under state law. (079332124, 079331124)

SB 1208 (Hanger) (SRSS) strengthens criminal background check requirements for employees, volunteers, and providers of contractual services to children's residential facilities. Requires Departments to obtain the results of the background check before allowing an applicant to work with children. Adds numerous statutory offenses, including abduction, carjacking, threats, stalking, use of a machine gun, child pornography, incest, and felony drug possession, to the list of crimes that preclude employment at children's residential facilities. Additional offenses parallel those identified as "barrier crimes" in § 63.2-1719. Permits a children's residential facility to hire applicants with a misdemeanor conviction for assault and battery, provided 10 years have elapsed and the offense did not occur in the context of former employment or volunteer work. Prohibits state children's residential facilities from hiring employees or accepting volunteers who have a founded case of child abuse or neglect. The new requirements only apply to persons who were not working or volunteering at the facility prior to July 1, 2007. Support. (071718116)

SB 1211 (Hanger) (SGL) expands projects that can be financed through the Virginia Resource Authority to include programs or projects for land conservation or land preservation. Support. (077439732)

SB 1353 (Wagner) (SRSS) establishes staff-to-child ratios, activity space guidelines, and training and qualification guidelines for program directors, program leaders, and general staff for regulated child day-care centers. Oppose.

Food Donations

HB 2218 (Amundson) (HGL) provides an exception for charitable organizations that engage in food distribution to the needy from both state and local regulations that require commercial-grade kitchens and equipment. Includes nonprofit homeless shelters and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject. Amend to conform to SB 806 committee substitute. (071708212)

HB 2258 (Rust) (HGL) exempts charitable organizations that engage in food distribution to the needy from both state and local food handling and preparation regulations with respect to requirements for commercial-grade kitchens and equipment. Includes nonprofit homeless shelters, homeless and hunger prevention programs, and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject. Amend to conform to SB 806 committee substitute. (071982492)

SB 806 (Puller) (SRSS) provides an exception for charitable organizations that engage in food distribution to the needy from both state and local regulations that require commercial-grade kitchens and equipment. Includes non-profit homeless shelters and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject. Support substitute. (072560796-S1)

SB 917 (Howell) (SACNR) provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any person to donate food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons. The bill likewise provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any political subdivision and any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), that is engaged in a food distribution program for needy persons to distribute any food properly donated to it. In addition, the bill prohibits a locality from enacting or enforcing any general law, special act, state regulation, or local ordinance or regulation that imposes conditions or requirements inconsistent with or more stringent than the regulations promulgated by the Board. This bill contains an emergency clause. Amend to conform to SB 806 committee substitute.. (074728744)

SB 1125 (Cuccinelli) (SACNR) provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any person to donate food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons. The bill likewise provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any

political subdivision and any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), that is engaged in a food distribution program for needy persons to distribute any food properly donated to it. In addition, the bill prohibits a locality from enacting or enforcing any general law, special act, state regulation, or local ordinance or regulation that imposes conditions or requirements inconsistent with or more stringent than the regulations promulgated by the Board. This bill contains several emergency clauses. . Amend to conform to SB 806 committee substitute. (071629720)

Immigration

HB 1918 (Cole)/**HB 1970** (Albo) (HCT) provides that any alien who is present in the United States illegally, as verified by the Bureau of Immigration and Customs Enforcement, is guilty of a Class 1 misdemeanor. Oppose. (077768272, 077011204)

HB 2806 (Byron) (HFIN) grants local commissioners of the revenue the power to deny or revoke business licenses of persons who are aliens and who cannot provide legal documents proving they are legally eligible to be employed in the United States. Oppose. (071303256)

HB 2926 (Rust) (HMP) expands the powers of state and local law-enforcement officials to include immigration powers conferred upon the law-enforcement agency by agreement with the U.S. Department of Homeland Security. The bill also allows the Department of Corrections to receive any person into a state or local facility committed under the authority of the United States. Oppose. (073325105)

HB 2936 (Miller, J.) (HCT) provides that all law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration laws of the United States, and to arrest an individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual is an alien illegally present in the United States. Currently the person arrested would also have to have been previously convicted of a felony in the United States and deported or left the United States after such conviction. Oppose. (073091348)

HB 2937 (Miller, J.) (HHWI) provides that no state or local funds shall be awarded or otherwise disbursed to any organization operated exclusively for religious, charitable, community, or educational purposes where the award or disbursement is made with the intent of circumventing the provisions of this section by indirectly providing benefits or assistance to persons who are otherwise ineligible. Oppose. (078133204)

SB 1045 (O'Brien) (SCT) expands the powers of state and local law-enforcement officials to include immigration powers conferred upon the law-enforcement agency by agreement with the U.S. Department of Homeland Security. The bill also allows the Department of Corrections to receive any person into a state or local facility committed under the authority of the United States. Oppose. (073324105)

Photo Red Light

HB 1683 (McQuigg) (HTRAN) allows local governing bodies to adopt ordinances providing for a traffic light signal violation-enforcement program. Penalties for violations are capped at \$50. Support. (071101412)

HB 1762 (Purkey) (HTRAN) grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than 25 intersections at one time. Provisions within the bill set the maximum fine, limit the use and retention of images recorded, and provide other parameters and limitations for localities. Support. (078917472)

HB 2484 (Bulova) (HTRAN) allows the Counties of Arlington and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth. Support. (078911254)

SB 829 (Davis) (STRAN) allows the Counties of Arlington, Fairfax, and Loudoun, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill. Support. (079372726-S1)

SB 871 (Watkins) (SLG) grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than 25 intersections at one time. Provisions within the bill set the maximum fine, limit the use and retention of images recorded, and provide other parameters and limitations for localities. Support. (075711840)

Transportation Bills

HB 1749 (Marshall) (HTRAN) imposes certain conditions on the increase and use of tolls on the Dulles Toll Road. Oppose. (078465396)

HB 1778 (Cosgrove) (HTRAN) grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provide other parameters and limitations for localities. Localities are also required to designate at least 50% of fines collected for transportation purposes. Support, if amended to exclude costs of program. (073183276)

HB 1886 (Marshall) (HTRAN) prohibits taking additional streets into the state secondary highway system on or after July 1, 2007, unless they are within an area subject to control by a homeowners' association. Oppose. (071114396)

HB 1930 (Rapp) (HTRAN) exempts federal, state, and local officials from fees charged by DMV for obtaining data from DMV records. Support. (073551480-H1)

HB 2132 (Hugo) (HTRAN) extends the "sunset" to 2008 authorizing the use of certain HOV lanes by vehicles bearing clean special fuel vehicle license plates. Support. (078273332)

HB 2208 (Wardrup) (HTRAN) provides that no agreement or contract to transfer responsibility from an agency or institution of the Commonwealth for control, maintenance, and/or operation of any toll facility controlled, maintained and/or operated by such agency or institution of the Commonwealth to any other public or private entity shall be entered into by the Commonwealth or any agency, instrumentality, or political subdivision thereof without prior legislative authorization from the General Assembly. Oppose.(076306536)

HB 2232 (Nutter) (HTRAN) Rail Enhancement Fund. Provides that for any funds to be expended, the local governing body of each locality within which the project is located shall contribute 1% of the total cost of the project. Oppose. (078004436)

HB 2431 (Albo) (HGL) authorizes the Commonwealth to take title to federal lands containing environmental contamination if the United States agrees to indemnify the Commonwealth for associated liabilities and clean-up costs or otherwise provides satisfactory assurances that all corrective action necessary to protect human health and the environment will be taken at the sole expense of the United States. Support. (078137204)

HB 2863 (Moran) (HTRAN) amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians. Support. (078437424)

SB 1026 (O'Brien) (SFIN) requires counties with populations of 50,000 or more, according to the last preceding U.S. census, to take over from VDOT responsibility for planning, construction, operation, and maintenance of state secondary highway system components within their boundaries prior to July 1, 2012. This would apply to the Counties of Campbell, Washington, Fauquier, York, Henry, Frederick, Bedford, Pittsylvania, Augusta, Rockingham, Albemarle, Montgomery, Roanoke, Hanover, Spotsylvania, Stafford, Loudoun, Chesterfield, Prince William, and Fairfax. Additionally, the bill provides, on a local-option basis, for a two percent retail sales tax on motor fuels in counties that take over responsibilities for state secondary highways, the proceeds of which would be used for secondary highway planning, construction, operation, and maintenance. Oppose. (079348784)

IV. Legislation Provided for Discussion

Items were brought to the Legislative Committee for discussion. The Committee either took a position on these items or referred them to staff for further review as reflected in other sections of this report.

V. Legislation Needing Further Review

HB 2150 (Fralin) (HCT) indicates that the term "foster care services" means the provision of services to a child and his family when the child has been identified as needing services to prevent or eliminate the need for custody relinquishment.

HB 2182 (Saxman) (HGL) provides an exemption from licensure as an architect or professional engineer for the design of on-site treatment works consisting solely of an anaerobic septic tank treatment system with gravity conveyance to a gravity-distributed subsurface drain field. Recommend oppose. (078829428)

HB 2207 (Wardrup) (HTRAN) requires that, beginning July 1, 2008, every agency of the Commonwealth or any of its political subdivisions or instrumentalities that have control of or day-to-day responsibility for the operation of any toll facility take all necessary actions to ensure that every newly constructed toll facility or toll lane under its control is capable of fully automated electronic operation, employing technologies and procedures that permit the collection of tolls from users of the facility without requiring vehicles using the facility to reduce their speed below the speed of traffic approaching the facility. An entity operating a toll facility that substantially upgrades its equipment or substantially renovates its facility after July 1, 2008, must comply with the provisions of this bill. The provisions of this bill also apply to any non-governmental or quasi-governmental entities operating a toll facility under a comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995, on or after January 1, 2008. The bill also requires that the Virginia Department of Transportation, on or before January 1, 2008, submit a written report to the General Assembly on its plans to create opportunities to enhance mobility and free-flowing traffic on Department-controlled toll facilities by embracing technological advances.

HB 2286 (Watts) (HTRAN) prohibits loitering in the right-of-way of any highway on which the Commissioner has posted signs prohibiting such activity. Recommend oppose. (078420544)

HB 2310 (Lingamfelter) (HAPP) provides that the Commonwealth Transportation Board shall make an allocation to any locality, not to exceed the lesser of \$25 million or 33% of the cost of the project, to be used by the locality for a transportation project, provided that (i) the locality has issued or will issue bonds for transportation purposes in the fiscal year in which the allocation is sought in an amount that exceeds the amount of the state allocation; (ii) the locality has sufficient local funds, which, together with the state allocation, will complete the project; and (iii) the transportation project for which the allocation is sought is determined by the Commonwealth Transportation Board, compared with other requests for such allocations, to be more likely to relieve severe traffic congestion, according to criteria and procedures for making application for funds that shall be developed by the Commonwealth Transportation Board. Total state funds allocated by the Board for this program shall not exceed \$50 million in any one fiscal year.

HB 2314 (Lingamfelter) (HTRAN) provides for imposition and collection of tolls for use of certain Interstate Highway System components in Virginia.

HB 2414 (Athey) (HGL) provides that before a building permit may be issued for any building to be renovated or demolished, the local building department must receive certification from the owner or his agent that the affected portions of the building have been inspected for the presence of asbestos by an individual licensed to perform such inspections pursuant to § 54.1-503. Currently, such certification is required for only those buildings for which an initial building permit was issued before January 1, 1985. Recommend oppose. (075247220)

HB 2433 (Albo) (HTRAN) requires interim or comprehensive agreements under the Public-Private Transportation Act to be competitively bid if the total cost of the project involves the expenditure of \$10 million or more in state funds.

HB 2441 (Frederick) (HTRAN) establishes hours of operation for HOV lanes along I-95 and I-395 in Northern Virginia.

HB 2444 (Frederick) (HTRAN) requires the Commonwealth Transportation Commissioner, for HOV lanes designated by the Commonwealth Transportation Board, to develop and implement a process whereby (i) the times of day during which HOV restrictions are in place may be applicable either earlier or later on any day when traffic volume on the affected facility increases markedly either prior to or after the hours when HOV restrictions would otherwise apply and (ii) the direction of traffic flow on HOV facilities with reversible lanes may be reversed at any time when so doing would expedite the movement of traffic on parallel lanes not subject to HOV restrictions.

HB 2461 (Rust) (HTRAN) revises the procedures and penalties involved with HOT lane enforcement.

HB 2463 (Oder) (HTRAN) provides a mechanism for the establishment of regional transportation authorities embracing three or more contiguous localities.

HB 2510 (Jones, D.C.) (HST) places a restriction on persons with provisional driver's license from using a cellular phone or other wireless device while driving on the highways of the Commonwealth. The bill also removes a subsection that makes offenses in the rest of the section secondary offenses, which would make all offenses in this section primary offenses.

HB 2538 (Landes) (HTRAN) revises the procedures according to which the Commonwealth Transportation Commissioner (CTC), through his duly authorized agents, may enter upon any land in the Commonwealth for the purposes of determining its suitability for highway and other transportation purposes.

HB 2620 (Fralin) (HGL)/ **SB 1332** (Davis) (SGL) adds children requiring mental health services not otherwise covered by private insurance or Medicaid, where services are necessary to prevent placement in foster care to the target population for whom state pool funds shall be expended. Expands eligibility for state pool funds to include children requiring mental health services to avoid placement in foster care.

HB 2655 (Lingamfelter) (HAPP) revises maintenance payments to counties that have withdrawn from the state secondary highway system prior to January 1, 2007, and provides for similar payments to counties that withdraw in the future.

HB 2682 (Frederick) (HTRAN) provides that when Local Partnership Programs are established and fully funded by the General Assembly in the general appropriation act, the Department of Transportation must ensure that Departmental funds are transmitted periodically to the locality with such frequency and on dates and in amounts that at no time will the locality be obligated to fund any portion of the project, pending reimbursement by the Department.

HB 2729 (Englin) (HCCT) provides that any locality notified by the United States Federal Emergency Management Agency (FEMA) that a change in the FEMA floodplain map concerns or relates to real property within the locality shall provide to each owner of any such property (i) written notification of such change as it concerns or relates to such property and (ii) any other relevant information FEMA provided to the locality that concerns or relates to such property.

HB 2795 (Marshall) (HTRAN) provides that on and after July 1, 2007, no street in any county will be taken into the state secondary highway system for maintenance purposes unless it is classified by the Department as a local collector road. Other roads that, prior to July 1, 2007, would have been taken into the state secondary highway system will be classified by the Department as local subdivision roads and will not be taken into the state secondary highway system unless they are within an established urban development area.

HB 2888 (Phillips) (HTRAN) repeals provision for use of so-called "revenue-sharing" funding of certain highway projects.

HB 2916 (Bowling) (HTRAN) allows motorcycles, under certain conditions, to proceed through steady red signals if the traffic light is controlled by a vehicle detection device.

HB 3049 (Albo) (HCT) substitutes "at any time after driving" for "while driving" in the DUI statute to describe the point in time at which a concentration of .08% alcohol in the bloodstream is sufficient for conviction.

SB 744 (Miller) (SEH) requires the Board of Education, in cooperation with the State Health Department, to promulgate regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. The bill also requires school boards to include nutrition and physical education in its professional development programs and requires that a body mass index (BMI) measurement be taken for every student entering a public kindergarten or elementary school for the first time. The bill also allows school boards to continue to annually monitor student BMIs, with regulations developed by the Board of Education. (072102768)

SB 1061 (Watkins) (SACNR) prohibits localities from regulating the registration, packaging, labeling, sale, storage, distribution, use, or application of fertilizers more stringently than the U.S. Environmental Protection Agency or the Department of Environmental Quality. Recommend oppose unless amended to retain local land use and environmental authority; Board has historically opposed. (070965840)

Electric Reregulation

HB 3050 (Morgan) (HCL) repeals provisions of the Virginia Electric Utility Restructuring Act effective January 1, 2008. The measure authorizes the State Corporation Commission to provide for recovery of the costs of new generation facilities through the utility's rate base or through rate surcharges, adders, or other recovery mechanisms as are in the public interest. The Commission is also authorized to approve a performance-based rate-making methodology for electric utilities, which tracks the current provision for gas utilities. Provisions of the Restructuring Act that are not repealed by this measure include those that address the construction of a coal-fired plant in Southwest Virginia, net energy metering, electric energy emergencies, and permitting for electrical generating facilities. (070229428)

HB 3068 (Hogan) (HCL) provides that if the State Corporation Commission is unable to identify regional electricity markets where competition is an effective regulator of rates, it shall establish the post-capped rate period rates for a distributor's generation component of default service at rates that are in the public interest, do not prejudice or disadvantage any class of customers, provide incentives for improved performance, are not excessive, are adequate and seek to ensure the safe and reliable provision of default service. If a distributor asserts that these default service generation rates do not allow it to recover its prudently incurred costs and an adequate return, the Commission shall establish the rates in a cost-of-service rate case proceeding. (070106324)

SB 1191 (Reynolds) (SCL) extends the period during which rates for electric service are capped from December 31, 2010, until July 1, 2013. The measure also provides that, upon the end of the capped rate period, rates for default service provided by distributors will be based on prudently incurred costs, rather than on prices in competitive regional electricity markets. Other provisions clarify that the capped rates and default service rates for utilities that have divested their generation assets will be determined in a manner consistent with the terms of the

orders of the State Corporation Commission approving the transfer of such assets. The measure also revises the criteria for adjustments to capped rates to provide that, rather than being allowed to recover increases in transmission and distribution reliability and environmental costs through single-issue proceedings, after July 1, 2007, certain utilities may seek to recover increased costs through annual full rate cases. (070386808)

SB 1416 (Norment). (HCL) Among other provisions, advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, and establishes a new methodology for determining electric rates for investor-owned electric utilities after the expiration or termination of capped rates. It is anticipated that this will be one of the main bills to be considered. (076542780)

VI. Legislation Provided for Information

HB 1648 (Cole) (HFIN) makes the imposition of the 2% sales tax on motor vehicle fuels optional for the localities in certain Northern Virginia transportation districts. Under current law, the tax is imposed automatically in those districts.

HB 1667 (Marshall) (HTRAN) provides that the Commonwealth Transportation Board shall assess and impose reasonable impact fees to be collected by the Virginia Department of Transportation on new development or new subdivisions that abut, are adjacent to, or are

alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line.

HB 1668 (Marshall) (HTRAN) provides that the Commonwealth Transportation Board shall assess and impose reasonable impact fees, to be collected by the Virginia Department of Transportation, on new development or new subdivisions that abut, are adjacent to, or are alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line.

HB 1675 (Scott, E.T.) (HTRAN) provides that revenue-sharing funds may be used to construct, maintain, or improve a highway system located between two or more localities. The bill also removes certain language setting priorities for distribution of revenue-sharing funds: (i) the requirement that the governing body commit more than \$1 million in general funds and (ii) the requirement that the project be administered by the city, county, or town. In addition, the bill specifies that if proffers are accepted, they shall not be used to finance the activities or improvements for which the proffer was accepted and a permit issued but used to finance construction, maintenance, or improvement to highway systems within the locality under the revenue-sharing program. Lastly, the bill provides that the CTB shall allocate \$50 million each fiscal year to satisfy all requests for matching funds under the revenue-sharing program.

HB 1694 (Callahan) (HCT) provides that any county or city may, by ordinance, assess a sum of no more than \$5 as part of the costs in any criminal or traffic case in which the defendant is

convicted of a violation of any statute or ordinance. Proceeds of these assessments shall be used to supplement the fixed compensation of magistrates.

HB 1744 (Marshall) (HFIN) increases the income limit for elderly and disabled taxpayers in certain Northern Virginia localities from \$72,000 to \$75,000 for real property tax exemptions.

HB 1803 (Poisson) (HFIN) provides a tax credit against income tax for taxpayers making electronic toll collection payments, such as Smart Tag, in an amount equal to 10% of the total amount paid annually for tolls on Virginia highways, for taxable years beginning on and after January 1, 2007.

HB 1986 (Cox) (HTRAN) provides that parking a vehicle in a VDOT-owned commuter parking lot in a way not in conformance with posted signs and pavement markings is a traffic infraction. Enforcement of the provisions of the bill are to be a responsibility of the Department of State Police.

HB 2055 (McQuigg) (HCT) provides that any person who, while he is upon property owned or operated by a public transportation service, commits a crime or violates the rules of conduct promulgated by the public transportation service may be forbidden, either orally or in writing, to enter upon such property. If, after having been forbidden to do so, he then enters upon or remains upon such property, he is guilty of a Class 4 misdemeanor. The bill also allows the transportation service to recover its expenses incurred in the prosecution.

HB 2164 (Valentine) (HTRAN) establishes the TransDominion Express Commission to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the Corridor. The Commission may finance or assist in financing any rail transportation project. The bill also repeals Chapter 1041 of the 2003 Acts of Assembly, which provided for the creation of a Rail Transportation Development Authority but never became effective because its "reenactment clause" was never satisfied.

HB 2228 (Wardrup) (HTRAN) requires the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways.

HB 2319 (Welch) (HHWI)/**SB 905** (Rerras) (SRSS) specifies that a decision by parents or other person responsible to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if i) such decision is made jointly by the parents or other person responsible, and the child; ii) the child is sufficiently mature to have an informed opinion on the subject of his medical treatment; iii) the parents or other person responsible, and the child have considered alternative treatment

options; and iv) the parents or other person responsible, and the child believe in good faith that such decision is in the child's best interest.

HB 2356 (Cosgrove) (HGL)/**HB 2457** (Cline) (HGL)/**SB 1132** (Deeds) (SGL) transfers the enforcement of the Statewide Fire Prevention Code from the Department of Housing and Community Development to the Department of Fire Programs under the Fire Services Board. The bill also establishes the Office of the State Fire Marshal and provides for the State Fire Marshal to be appointed by the Secretary of Public Safety rather than by the Director of Housing and Community Development.

HB 2380 (May) (HCCT) provides that the governing body of a locality may, notwithstanding the provisions of the Virginia Public Procurement Act, negotiate and award a contract without competition to an entity that is constructing road improvements pursuant to a special exception condition in order to expand the scope of the road improvements by utilizing cash proffers of others or other available locally generated funds. This bill contains an emergency clause.

HB 2404 (Athey) (HCT) prohibits an adult who is convicted of an offense requiring registration where the victim was a minor from residing within 1000 feet of the premises of a child day center, a public, private, parochial or Christian primary, secondary, or high school, a school bus stop, a community park or playground, a recreation center, or a public pool. A violation of this section is a Class 6 felony; however, this section shall not apply where the facility is established subsequent to the person's conviction.

HB 2411 (Athey) (HTRAN) requires that, from annual allocations of state funds for the maintenance, improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board make an equivalent matching allocation to any county, city, or town for designations by the governing body of no less than \$1 million in county, city, or town general funds for use by the county, city, or town to construct, maintain, or improve the highways. The bill further eliminates the first and second priorities for funding under the "revenue-sharing" program and provides that allocations will be made first to the acceleration of an existing project in the Six-Year Improvement Program or the locality's capital plans; and then, from any funds remaining, to any other request that has a matching allocation from the governing body. Finally, the measure converts the present annual \$50 million "cap" on the "revenue-sharing" program to a floor.

HB 2462 (Rust) (HTRAN) changes the definition of "operator of a toll facility other than the Virginia Department of Transportation" from facilities authorized by the Code to any entity "that operates a toll facility." The bill also provides that the suspension of a driver's license for failure or refusal to pay these fines or costs is not applicable.

HB 2472 (Wardrup) (HTRAN) Statewide Transportation Plan. Requires that the plan promote economic development and include quantifiable and achievable goals relating to congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, and vehicle miles traveled.

The bill further requires that Commonwealth Transportation Board consider such goals in evaluating and selecting transportation improvement projects.

HB 2475 (Crockett-Stark) (HTRAN) eliminates the four-tier priority system for distributions of so-called Revenue-Sharing Funds to localities. The bill also eliminates the requirement that, for contracts administered by VDOT, payment of the local match requirement within 30 days of written notice from VDOT of its intent to proceed. The bill eliminates the requirement that no more than one-half of a locality's match may take the form of proffers. The bill requires that the Commonwealth Transportation Board annually allocate at least \$50 million to this program.

HB 2587 (Janis) (HCT) provides that the penalty for running a red light is a Class 1 misdemeanor. The current penalty is a \$350 fine.

HB 2761 (Hurt) (HTRAN) makes running a red light reckless driving statewide. It also makes running a red light in localities formerly authorized to have photo-red programs punishable as reckless driving with a mandatory minimum fine of \$500.

HB 2762 (Hurt) (HTRAN) makes illegal stopping in intersections in localities formerly authorized to have photo-red programs punishable by a mandatory minimum fine of \$500.

HB 2776 (Athey) (HMP) prohibits counseling offices and similar facilities that provide services to convicted sex offenders from operating within or adjacent to residential areas.

HB 2838 (Amundson) (HTRAN) requires VDOT, no later than September 15 of each odd-numbered year, to submit to the Governor, JLARC, and the CTB a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology.

HB 2850 (Moran) (HTRAN) amends the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office.

HB 2854 (Moran) (HTRAN) requires the preparation and dissemination of additional financial reports by the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (VDRPT).

SB 1359 (Edwards) (SCT) permits the Department of Criminal Justice Services to establish crisis intervention team pilot programs in up to six areas of the state by January 1, 2008. The crisis intervention team pilot programs shall assist law-enforcement officers in responding to crisis situations involving persons with mental illness, substance abuse, or both. By November 1, 2007, the Department shall submit to the Joint Commission on Health Care a report outlining the plan for the program. The Department, in consultation with the Department of

Mental Health, Mental Retardation and Substance Abuse Services, shall establish a training program for all persons involved in the crisis intervention team pilot programs. Each crisis intervention team shall develop a protocol that permits law-enforcement officers to release from custody persons whom they encounter in crisis situations when the crisis intervention team has determined the person is sufficiently stable. The Department shall evaluate and report annually to the Joint Commission on Health Care on the impact and effectiveness of the crisis intervention team pilot programs.

VII. Other Business -- Staff was directed to bring several pieces of legislation to the Committee for review at the January 26, 2007 meeting.

Attachments: Supplementary Documents dated January 19, 2007

cc: Edward L. Long, Jr., Deputy County Executive
David J. Molchany, Deputy County Executive
Verdia L. Haywood, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
David P. Bobzien, County Attorney
Nancy Vehrs, Clerk to the Board of Supervisors
Susan E. Mittereder, Legislative Director
Karen J. Harwood, Deputy County Attorney
Tom Biesiadny, Division Chief, Department of Transportation
Susan R. Rowland, Lobbyist
Michael H. Long, Senior Assistant County Attorney
Erin C. Ward, Assistant County Attorney
Katie Boyle, Legislative Assistant

SUPPLEMENTARY DOCUMENTS
GENERAL ASSEMBLY STATUS REPORT NO. 1
January 22, 2007

1.	Fairfax County Legislative Summary	1
2.	Summary of the Republican Transportation Plan (Jan. 18)	42
3.	Analysis of Governor Kaine's 2006-08 Budget Amendments	45



FAIRFAX COUNTY LEGISLATIVE SUMMARY

2007 GENERAL ASSEMBLY

January 20, 2007

Fairfax County Legislative Summary

2007 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	GA Committees where Bill is/was assigned	Last GA Committee or Floor Action	Bold = Date Position taken by full Board of Supervisors [] = Date position taken by BOS Legislative Committee
HB 502 - Callahan, Jr. (34) Transportation improvement districts; establishment in Fairfax County.	(H) Transportation	01/19/04 House: Assigned to Tra. sub- committee: 1	1/26/04
Initiate (047250260) Summary: Facilitates the establishment of local transportation improvement districts in Fairfax County. (Rail to Dulles enabling statute.)			
Bold = Board Position , [] = BOS Legislative Committee Position (LD No. is version of bill on which position was taken) Summary -- Reflects latest version of summary available on the Legislative Information System Web Site			

Fairfax County Initiatives

*Bills Introduced
at Fairfax County's Request*

Bills	General Assembly Actions	Date of BOS Position
HB 2215 - Amundson (44) Urban county executive form of government; wage requirements for certain employees.	1/9/2007 House: Referred to Committee on Counties, Cities and Towns	12/4/2006
<p>Initiate (078410260) - Legislative Committee has asked for bill to be withdrawn. Summary: Allows Fairfax County (described by form of government) to require vendors and contractors, who are awarded a county contract to perform work within the county, to pay to persons who are employed to perform such a contract and who will work within the county a wage higher than the federal minimum wage.</p>		
HB 2485 - Bulova (37) Public Procurement Act; procurement of environmentally preferable products.	1/9/07 House: Ref to Committee on General Laws 1/18/07 House: Rep from Gen Laws w/ sub (22-Y 0-N)	12/4/2006
<p>Initiate (078409260) Summary: Provides for the consideration of environmentally preferable products in the procurement of goods and services by state and local agencies. The bill defines environmentally preferable goods and services.</p>		
HB 2598 - Plum (36) Urban county executive form of government; commission on human rights.	1/10/2007 House: Referred to Committee on Counties, Cities and Towns	12/4/2006
<p>Initiate (071127336) Summary: Adds "sexual orientation" as prohibited discrimination in a county with the urban county executive form of government (Fairfax County).</p>		

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2727</u> - Englin (45) Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.	1/10/2007 House: Referred to Committee on General Laws	12/4/2006
<p>Initiate (074630299) - See also SB 968 (Whipple). Summary: Allows any tenant who is disabled or elderly to assign the exclusive right to purchase his unit to a government agency, housing authority, or certified nonprofit housing corporation, which shall then offer the tenant a lease at an affordable rent, in the case of a conversion condominium. The bill provides that the acquisition of such units by the governmental agency, housing authority, or certified nonprofit housing corporation shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium or (ii) impede the condominium conversion process. The bill defines affordable rent and certified nonprofit housing corporation.</p>		
<u>HB 2789</u> - Hull (38) Uniform Statewide Building Code; violations, penalty.	1/10/2007 House: Referred to Committee on General Laws	12/4/2006
<p>Initiate (071415336) Summary: Provides that when violations of the Building Code relating to occupancy limits, where a dwelling results in not being a safe, decent, and sanitary dwelling, in a locality where the governing body has taken action to enforce the Maintenance Code, any owner, other person, firm, or corporation convicted of such violation may be punished by increase fines and confinement in jail for not more than 10 days. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500.</p>		
<u>SB 735</u> - Cuccinelli, II (37) Spot blight abatement; interest on liens.	9/27/2006 Senate: Referred to Committee on General Laws and Technology 1/17/2007 Senate: Reported from General Laws and Technology (15-Y 0-N)	12/4/2006
<p>Initiate (071601720) Summary: Gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 968 - Whipple (31) Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.	1/9/2007 Senate: Referred to Committee on General Laws and Technology 1/17/2007 Senate: Reported from General Laws and Technology (15-Y 0-N)	12/4/2006
Initiate (071409140) - See also HB 2727 (Englin). Summary: Allows for a condominium conversion tenant who is disabled or elderly to assign his right to purchase to a government agency, housing authority, or certified nonprofit housing corporation. This bill is a recommendation of the Virginia Housing Commission.		
SB 1007 - Saslaw (35) Law-enforcement facilities; prohibits possession of weapons therein except by officers.	1/9/2007 Senate: Referred to Committee for Courts of Justice	12/4/2006
Initiate (078411260) Summary: Prohibits the possession of weapons at any law-enforcement facility in the Commonwealth. There is an exception for law-enforcement officers.		
SB 1039 - O'Brien (39) Driver's license; prohibits use of cellular phones for those under 19 years old.	1/9/2007 Senate: Referred to Committee on Transportation	12/4/2006
Initiate (072869260) Summary: Prohibits the use of cellular telephones for such drivers while operating a motor vehicle and makes a violation of this provision and other restrictions applicable to provisional drivers a primary offense, rather than a secondary offense as currently provided by law.		
SB 1040 - O'Brien (39) Driver's license; makes violation of various restrictions primary offense if under 19 years old.	1/9/2007 Senate: Referred to Committee on Transportation	12/4/2006
Initiate (072870260) Summary: Makes a violation of the various restrictions, such as passenger and curfew limitations, that are applicable to drivers under 19 years of age a primary offense, rather than a secondary offense as currently provided by law.		

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Bills	General Assembly Actions	Date of BOS Position
SB 1114 - Davis (34) Residential Property Disclosure Act; violation of zoning ordinance concerning property.	1/9/2007 Senate: Referred to Committee for Courts of Justice	12/4/2006
Initiate (071977260) Summary: Requires an owner of residential property to also notify purchasers that there are no pending enforcement actions for any violation of the local zoning ordinance concerning the property of which the owner has been notified in writing by the locality.		
SB 1252 - Herring (33) Subdivision ordinance; alternative use of cash escrow.	1/10/2007 Senate: Referred to Committee on Local Government	12/4/2006
Initiate (071976260) Summary: Allows a procedure for the alternative use of cash escrows previously furnished to the governing body by the owner or developer in conjunction with the approval of a subdivision plat or site plan where such escrows were to be used for the construction of identified public improvements by someone other than the owner or developer.		

Fairfax County Positions
(Oppose or Amend)

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Active Legislation

Bills	General Assembly Actions	Date of BOS Position
HB 1658 - Alexander (89) Real property; survey of property required when purchased by public bodies.	12/5/2006 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
[Amend] (071493208) - Amend to limit bill to purchases of real property above a reasonable threshold amount. Summary: . Requires state and local public bodies whenever acquiring a fee simple interest in real property to have a survey of the subject property completed prior to the purchase.		
HB 1699 - Lingamfelter (31) Motor vehicle license fees and taxes, local; repeals authority of imposition and collection thereof.	12/15/2006 House: Referred to Committee on Transportation 1/16/2007 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
[Oppose] (076292380) Summary: Repeals authority of imposition and collection of local vehicle license fees and taxes. This does not affect the ability of localities to impose personal property taxes on vehicles.		
HB 1706 - Lingamfelter (31) Real estate tax; limitation on tax rate by localities.	12/15/2006 House: Referred to Committee on Finance	[1/19/2007]
[Oppose] (071920380) Summary: Provides that localities must set real estate tax rates so that the total real estate tax revenue will not increase by more than 3% over the previous year's total real property tax levies with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year, but in no event shall the rate be set at any amount that would produce more than 6% growth.		
HB 1718 - Marshall (13) Rezoning applic.; locality may deny/modify req. if existing netwk. inadequate to accomodate traffic.	12/18/2006 House: Referred to Committee on Transportation	[1/19/2007]
[Oppose] (071614396) Summary: Allows a locality to deny or modify a request for rezoning when the existing and future		

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Bills	General Assembly Actions	Date of BOS Position
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transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. The bill also provides that the Department of Transportation shall collect cash payments, in lieu of cash payments or proffers accepted by a locality, in an amount equal to that which a locality could accept pursuant to its ability to accept proffers if the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality, gives rise to the need for such cash payments or proffers.

[**HB 1747**](#) - Marshall (13)
Emergency Evacuation Response Routes; designating portions of certain hwy. in 8th Plan. District.

12/27/2006 House: Referred to Committee on Transportation

[1/19/2007]

[Oppose] (078152396)

Summary: Designates portions of certain highways within the Eighth Planning District as Emergency Response Evacuation Routes and prohibits impediments not approved by the Manual on Uniform Traffic Control Devices from being placed on those portions of highways.

[**HB 1749**](#) - Marshall (13)
Dulles Toll Road; imposition on increase and use of tolls.

12/27/2006 House: Referred to Committee on Transportation
1/16/2007 House: Tabled in Trans. (19-Y 3-N)

[1/19/2007]

[Oppose] (078465396)

Summary: Imposes certain conditions on the increase and use of tolls on the Dulles Toll Road.

[**HB 1763**](#) - Purkey (82)
Personal property tax; classification of waste haulers.

12/27/2006 House: Referred to Committee on Finance

[1/19/2007]

[Oppose] (078994472)

Summary: Creates a separate classification for personal property tax purposes for motor vehicles designed and primarily used for hauling waste. The revenues collected from such motor vehicles are to be used for transportation purposes by the locality collecting the tax.

[**HB 1791**](#) - Griffith (8)
Freedom of Information Act; responses to requests for public records.

12/28/2006 House: Referred to Committee on General Laws

[1/19/2007]

[Amend] (061802308) - Amend to remove language requiring identification of other public bodies that have the requested records. Also, restore language concerning records being granted by the custodian of the records.

Summary: Adds an additional response to address situations when a public body receives a request for

Bills	General Assembly Actions	Date of BOS Position
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public records under FOIA but cannot find the requested records or the requested records do not exist. The bill also clarifies the other responses to requests for public records under FOIA. The bill also contains technical amendments.

[**HB 1886**](#) - Marshall (13)
Streets; prohibits taking additional into state secondary highway system.

1/4/2007 House: Referred to Committee on Transportation

[1/19/2007]

[Oppose] (071114396)

Summary: Prohibits taking additional streets into the state secondary highway system on or after July 1, 2007, unless they are within an area subject to control by a homeowners' association.

[**HB 1888**](#) - Albo (42)
Real estate tax; limitation on tax rate by localities.

1/4/2007 House: Referred to Committee on Finance

[1/19/2007]

[Oppose] (078016204)

Summary: Provides that the total tax revenue in a locality may not exceed 105% of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body.

[**HB 1918**](#) - Cole (88)
Illegal aliens; presence unlawful in State, penalty.

1/4/2007 House: Referred to Committee for Courts of Justice

[1/19/2007]

[Oppose] (077768272)

Summary: Provides that any alien who is present in the United States illegally, as verified by the Bureau of Immigration and Customs Enforcement, is guilty of a Class 1 misdemeanor.

Bills	General Assembly Actions	Date of BOS Position
HB 1970 - Albo (42) Immigrants; it is unlawful to be in Virginia if in United States illegally.	1/5/2007 House: Referred to Committee for Courts of Justice	[1/19/2007]
<p>[Oppose] (077011204)</p> <p>Summary: Provides that any alien who is present in the United States illegally, as previously verified by the Bureau of Immigration and Customs Enforcement, is guilty of a Class 1 misdemeanor.</p>		
HB 2048 - McQuigg (51) Statewide Fire Prevention Code; no fee for permits for inspection of religious schools.	1/8/2007 House: Referred to Committee on General Laws	[1/19/2007]
<p>[Oppose] (071507412)</p> <p>Summary: Prohibits the State Fire Marshal from charging a fee for permits issued for the inspection of schools operated or conducted under the auspices of a religious institution.</p>		
HB 2127 - Hugo (40) Real property; requires localities to provide individual notice to each taxpayer of certain rates.	1/8/2007 House: Referred to Committee on Finance	[1/19/2007]
<p>[Oppose] (078258103) - Oppose as redundant.</p> <p>Summary: Requires localities to provide individual notice to each real estate taxpayer of certain proposed tax rates. The notice is triggered in any year in which any annual assessment, biennial assessment, or general reassessment at the current rate would result in an increase of one percent or more in the total real property tax revenue in the following year, and the locality's proposed rate would yield in the forthcoming year more than 101 percent of the total real estate tax revenue received in the prior year. The individual notice shall include the property owner's current real property tax levy, the real property tax levy at the proposed rate, as well as two incremental levies for potential rate changes between the current tax rate and the proposed tax rate.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2200 - Wardrup, Jr. (83) State funds; repeals structure and formula for distributing to local law-enforcement in localities.	1/9/2007 House: Referred to Committee on Appropriations	[1/19/2007]
[Oppose] (071946536) Summary: Repeals the current structure and formula for distributing certain state funds for local law enforcement in localities that have a police department, and appropriates the associated funds for transportation projects in all localities on a pro rata basis, based on population.		
HB 2208 - Wardrup, Jr. (83) Toll facilities; transfer of responsibility from state agency to other public/private entity.	1/9/2007 House: Referred to Committee on Transportation	[1/19/2007]
[Oppose] (076306536) Summary: Provides that no agreement or contract to transfer responsibility from an agency or institution of the Commonwealth for control, maintenance, and/or operation of any toll facility controlled, maintained and/or operated by such agency or institution of the Commonwealth to any other public or private entity shall be entered into by the Commonwealth or any agency, instrumentality, or political subdivision thereof without prior legislative authorization from the General Assembly.		
HB 2218 - Amundson (44) Charitable organizations; exceptions for those that engage in food distribution to needy.	1/9/2007 House: Referred to Committee on General Laws	[1/19/2007]
[Amend] (071708212) - Amend to conform to SB 806 committee substitute. Summary: Provides an exception for charitable organizations that engage in food distribution to the needy from both state and local regulations that require commercial-grade kitchens and equipment. Includes nonprofit homeless shelters and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject.		

Bills	General Assembly Actions	Date of BOS Position
HB 2232 - Nutter (7) Rail Enhancement Fund; local contribution.	1/9/2007 House: Referred to Committee on Transportation	[1/19/2007]
[Oppose] (078004436) Summary: Provides that for any funds to be expended, the local governing body of each locality within which the project is located shall contribute 1% of the total cost of the project.		
HB 2258 - Rust (86) Charitable organizations; exceptions for those that engage in food distribution to needy.	1/9/2007 House: Referred to Committee on General Laws	[1/19/2007]
[Amend] (071982492) - Amend to conform to SB 806 committee substitute. Summary: Exempts charitable organizations that engage in food distribution to the needy from both state and local food handling and preparation regulations with respect to requirements for commercial-grade kitchens and equipment. Includes nonprofit homeless shelters, homeless and hunger prevention programs, and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject.		
HB 2283 - Watts (39) Real estate tax; deferral of tax for certain elderly and disabled.	1/9/2007 House: Referred to Committee on Finance	[1/19/2007]
[Oppose] (078220544) Summary: Creates a formula for determining net financial worth with regard to deferring or exempting real estate tax for elderly and disabled in certain localities. The net combined financial worth is to be determined as the portion of net combined financial worth equal to the percentage of total combined income derived from pension or social security income.		
HB 2443 - Frederick (52) License taxes; repeals those that are local.	1/9/2007 House: Referred to Committee on Finance	[1/19/2007]
[Oppose] (075226303) Summary: Repeals local license (BPOL) taxes.		

Bills	General Assembly Actions	Date of BOS Position
HB 2490 - Bulova (37) Regional strategic plan; removes exemption for Planning District 8 with regard thereto.	1/9/2007 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
[Oppose Unless Amended] (078914254) - Oppose unless amended to fully fund. Discussion among Northern Virginia jurisdictions should occur as to the need. Summary: Removes the exemption for Planning District 8 with regard to preparation of a regional strategic plan.		
HB 2507 - Jones (70) Real estate tax; assessments.	1/9/2007 House: Referred to Committee on Finance	[1/19/2007]
[Oppose] (075038364) - Not needed. Summary: Prohibits assessors and appraisers from considering federal or state income tax credits when determining fair market value of real property for valuation purposes.		
HB 2588 - Janis (56) Machine guns; Superintendent of Department of State Police to certify transfer and registration.	1/10/2007 House: Referred to Committee on Militia, Police and Public Safety	[1/19/2007]
[Amend] (073026348) - Amend to clarify as to notification of local police chief. Summary: Names the Superintendent of the Department of State Police as chief law-enforcement officer for purposes of certifying applications for the transfer and registration of machine guns. Federal law requires that the applications be certified by a chief law-enforcement officer.		
HB 2634 - Reid (72) Tax legislation; requires a sunset date of no more than four years thereon.	1/10/2007 House: Referred to Committee on Rules	[1/19/2007]
[Oppose] (071916488) Summary: Requires a sunset date of no more than four years on all taxation bills that add new taxes or increase tax rates.		

Bills	General Assembly Actions	Date of BOS Position
HB 2806 - Byron (22) Commissioners of revenue, local; duties and powers.	1/10/2007 House: Referred to Committee on Finance	[1/19/2007]
<p>[Oppose] (071303256)</p> <p>Summary: Grants local commissioners of the revenue the power to deny or revoke business licenses of persons who are aliens and who cannot provide legal documents proving they are legally eligible to be employed in the United States.</p>		
HB 2926 - Rust (86) Immigration; powers of law-enforcement officers by agreement with Department of Homeland Security.	1/10/2007 House: Referred to Committee on Militia, Police and Public Safety	[1/19/2007]
<p>[Oppose] (073325105)</p> <p>Summary: Expands the powers of state and local law-enforcement officials to include immigration powers conferred upon the law-enforcement agency by agreement with the U.S. Department of Homeland Security. The bill also allows the Department of Corrections to receive any person into a state or local facility committed under the authority of the United States.</p>		
HB 2936 - Miller, J. (50) Illegal aliens; law-enforcement officers have authority to enforce U. S. immigration laws.	1/10/2007 House: Referred to Committee for Courts of Justice	[1/19/2007]
<p>[Oppose] (073091348)</p> <p>Summary: Provides that all law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration laws of the United States, and to arrest an individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual is an alien illegally present in the United States. Currently the person arrested would also have to have been previously convicted of a felony in the United States and deported or left the United States after such conviction.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2937 - Miller, J. (50) Certain aliens; eligibility of for state and local public benefits.	1/10/2007 House: Referred to Committee on Health, Welfare and Institutions	[1/19/2007]
<p>[Oppose] (078133204)</p> <p>Summary: Provides that no state or local funds shall be awarded or otherwise disbursed to any organization operated exclusively for religious, charitable, community, or educational purposes where the award or disbursement is made with the intent of circumventing the provisions of this section by indirectly providing benefits or assistance to persons who are otherwise ineligible.</p>		
HB 2986 - Ingram (62) Zoning ordinance; development agreements for locality located in Planning District 8.	1/10/2007 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
<p>[Oppose] (071111344)</p> <p>Summary: Requires every locality located in Planning District 8 to include in its zoning ordinance provisions for the governing body to enter into binding development agreements with any persons owning legal or equitable interests in real property in the locality. Such agreements shall be authorized by ordinance, shall be for a term not to exceed 15 years, and may be renewed by mutual agreement of the parties for successive terms of not more than 10 years each. Development agreements may provide, among other things, for specific land uses and the density or intensity of such uses. No locality shall either request or accept a cash payment as part of a development agreement whose amount is scheduled to increase annually, from the time of agreement until tender of payment, by a percentage greater than the annual rate of inflation.</p>		
HB 3012 - Frederick (52) Campaign finance disclosure; certain prohibited contributions to local governing body members.	1/10/2007 House: Referred to Committee on Privileges and Elections	[1/19/2007]
<p>[Oppose] (079814303)</p> <p>Summary: Prohibits any governing body member from soliciting or accepting a campaign contribution from a person with a personal interest in a transaction pending before the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Prohibits any person with a personal interest in a transaction pending before the governing body from making or promising to make a campaign contribution to a member of the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Includes special disclosure requirements, definitions, and civil penalties for violations.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HJ 654 - Albo (42) Fairfax County; Board of Supervisors to study efficiency/effectiveness of form of government.	1/9/2007 House: Referred to Committee on Rules	[1/19/2007]
<p>[Oppose] (076106204)</p> <p>Summary: Requests the Fairfax County Board of Supervisors, together with members of the House of Delegates and the Senate of Virginia who currently represent districts within Fairfax County, to study the efficiency and effectiveness of the County's form of government.</p>		
SB 776 - Cuccinelli, II (37) Law-Enforcement Officers Procedural Guarantee Act; changes as to process and procedures.	12/18/2006 Senate: Referred to Committee for Courts of Justice	[1/19/2007]
<p>[Oppose] (073072720) - Board has historically opposed.</p> <p>Summary: Makes several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.</p>		
SB 838 - Davis (34) Land use proceedings; disclosures of certain business or financial relationships.	1/5/2007 Senate: Referred to Committee on Local Government	[1/19/2007]
<p>[Oppose] (075061726) - Board has historically opposed.</p> <p>Summary: Requires each individual member of the governing body, the planning commission, and the board of zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance, which does not constitute the adoption of a comprehensive zoning plan or ordinance applicable throughout the locality, to make a full public disclosure of certain business or financial relationships that such member has or has had within the 12-month period prior to such hearing. Also, each individual member of the governing body in any proceeding involving a proposed amendment to the comprehensive plan shall, at or before any such proceeding, make a full public disclosure of certain business or financial relationships that such member has or has had since the local planning commission commenced preparation of such proposed amendment to the comprehensive plan. Any person knowingly and willfully violating the provisions of this section shall be guilty of a Class 1 misdemeanor.</p>		

Bold – Indicates BOS formal action

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Bills	General Assembly Actions	Date of BOS Position
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[SB 849](#) - Lambert III (9)
Condominium Act; assessments and taxation on certain condominium units.

1/5/2007 Senate: Referred to Committee on General Laws and Technology

[1/19/2007]

[Oppose] (074770748)

Summary: Provides that certain condominium units owned by the declarant shall be assessed and taxed against the declarant based solely upon the income derived from that unit

[SB 917](#) - Howell (32)
Donation of food to charity organizations; regulations for food prepared in his private residence.

1/8/2007 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources
1/15/2007 Senate: Incorporated by Agriculture, Conservation and Natural Resources (SB806-Puller) (14-Y 0-N)

[1/19/2007]

[Amend] (074728744) - Amend to conform to SB 806 committee substitute.

Summary: Provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any person to donate food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons. The bill likewise provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any political subdivision and any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), that is engaged in a food distribution program for needy persons to distribute any food properly donated to it. In addition, the bill prohibits a locality from enacting or enforcing any general law, special act, state regulation, or local ordinance or regulation that imposes conditions or requirements inconsistent with or more stringent than the regulations promulgated by the Board. This bill contains an emergency clause.

[SB 1026](#) - O'Brien (39)
Motor Vehicle Fuel Sales Tax; local-option to impose retail sales taxes on motor fuels.

1/9/2007 Senate: Referred to Committee on Finance

[1/19/2007]

[Oppose] (079348784)

Summary: Requires counties with populations of 50,000 or more, according to the last preceding U.S. census, to take over from VDOT responsibility for planning, construction, operation, and maintenance of state secondary highway system components within their boundaries prior to July 1, 2012. This would apply to the Counties of Campbell, Washington, Fauquier, York, Henry, Frederick, Bedford, Pittsylvania, Augusta, Rockingham, Albemarle, Montgomery, Roanoke, Hanover, Spotsylvania, Stafford, Loudoun, Chesterfield, Prince William, and Fairfax. Additionally, the bill provides, on a local-option basis, for a two percent retail sales tax on motor fuels in counties that take over responsibilities for state secondary highways, the proceeds of which would be used for secondary highway planning, construction, operation, and maintenance.

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
SB 1045 - O'Brien (39) Immigration; powers of law-enforcement officers by agreement with Department of Homeland Security.	1/9/2007 Senate: Referred to Committee for Courts of Justice	[1/19/2007]
<p>[Oppose] (073324105)</p> <p>Summary: Expands the powers of state and local law-enforcement officials to include immigration powers conferred upon the law-enforcement agency by agreement with the U.S. Department of Homeland Security. The bill also allows the Department of Corrections to receive any person into a state or local facility committed under the authority of the United States.</p>		
SB 1063 - Rerras (6) Real estate tax; limitation on tax rate.	1/09/07 Senate: Referred to Committee on Finance	[1/19/2007]
<p>[Oppose] (072140804)</p> <p>Summary: Provides that a county, city, or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city, or town. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.</p>		
SB 1123 - Cuccinelli, II (37) Auditor of Public Accounts; review security governmental databases containing personal information.	1/9/2007 Senate: Referred to Committee on General Laws and Technology 1/17/2007 Senate: Reported from General Laws and Technology (15-Y 0-N)	[1/19/2007]
<p>[Amend] (079145720) - Amend to clarify that bill only applies to state agencies.</p> <p>Summary: Provides that the Auditor of Public Accounts shall periodically review the security of any database or information system maintained or operated by any agency or other governmental entity of the Commonwealth that contains personal information regarding any individual to ensure that appropriate measures are in place to prevent unauthorized or unlawful access to this information. On an annual basis, the Auditor shall report the results of its review to the General Assembly and make recommendations for new or revised security measures, if needed.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1125</u> - Cuccinelli, II (37) Donation of food to charity organizations; regulations for food prepared in his private residence.</p>	<p>1/9/2007 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/15/2007 Senate: Incorporated by Agriculture, Conservation and Natural Resources (SB806-Puller) (14-Y 0-N)</p>	<p>[1/19/2007]</p>
<p>[Amend] (071629720) - Amend to conform to SB 806 committee substitute. Summary: Provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any person to donate food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons. The bill likewise provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any political subdivision and any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), that is engaged in a food distribution program for needy persons to distribute any food properly donated to it. In addition, the bill prohibits a locality from enacting or enforcing any general law, special act, state regulation, or local ordinance or regulation that imposes conditions or requirements inconsistent with or more stringent than the regulations promulgated by the Board. This bill contains several emergency clauses.</p>		
<p><u>SB 1181</u> - Williams (1) Subdivision streets; requirements for taking thereof into state secondary highway system.</p>	<p>1/10/2007 Senate: Referred to Committee on Transportation</p>	<p>[1/19/2007]</p>
<p>[Amend] (079331124) - Amend to require formation of advisory work group to include counties; to require public meetings throughout the Commonwealth; to maintain status quo with respect to accepting streets into the state highway system until new regulations take effect; and to grandfather development proposals pending or otherwise vested under state law. Summary: Allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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SB 1353 - Wagner (7) Child day-care regulations; establishes staff-to-child ratios thereof.	1/16/2007 Senate: Referred to Committee on Rehabilitation and Social Services	[1/19/2007]
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[Oppose] (071416832)

Summary: Establishes staff-to-child ratios, activity space guidelines, and training and qualification guidelines for program directors, program leaders, and general staff for regulated child day-care centers.

Fairfax County Positions
(Support or Monitor)

* * *

Active Legislation

Bills	General Assembly Actions	Date of BOS Position
<u>HB 1683</u> - McQuigg (51) Traffic light signal violation-enforcement program; localities may adopt ordinances therefor.	12/11/2006 House: Referred to Committee on Transportation	[1/19/2007]
[Support] (071101412) Summary: Allows local governing bodies to adopt ordinances providing for a traffic light signal violation-enforcement program. Penalties for violations are capped at \$50.		
<u>HB 1710</u> - Callahan, Jr. (34) Public Building Authority; authorized to issue bonds for water treatment.	12/15/2006 Originating Committee: Appropriations 12/15/2006 House: Referred to Committee on Appropriations	[1/19/2007]
[Support] (074383129) - See also SB 771 (Chichester). Summary: Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works to implement the Commonwealth's Chesapeake Bay Tributary Strategies.		
<u>HB 1721</u> - Eisenberg (47) Home accessibility features for disabled; broadens current tax credit.	12/19/2006 House: Referred to Committee on Finance	[1/19/2007]
[Support] (071306301) - See also HB 2498/SB 791 Summary: Broadens the current tax credit that is granted for adding to existing residences home accessibility features for the disabled to also include such features in new residential construction, for taxable years beginning on or after January 1, 2007.		
<u>HB 1762</u> - Purkey (82) Traffic light signal violation-enforcement program; localities may adopt ordinances therefor.	12/27/2006 House: Referred to Committee on Transportation	[1/19/2007]
[Support] (078917472) Summary: Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than 25 intersections at one time. Provisions within the bill set the maximum fine, limit the use and retention of images recorded, and provide other parameters and limitations for localities.		

Bills	General Assembly Actions	Date of BOS Position
HB 1778 - Cosgrove (78) Traffic light signal violation-enforcement program; localities may adopt ordinances therefor.	12/28/2006 House: Referred to Committee on Transportation	[1/19/2007]
[Support w/ Amend.] (073183276) - Support, if amended to exclude costs of program from spending requirement. Summary: Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provide other parameters and limitations for localities. Localities are also required to designate at least 50% of fines collected for transportation purposes.		
HB 1876 - Caputo (67) Wireless telecommunications devices; use by certain drivers.	1/4/2007 House: Referred to Committee on Transportation 1/16/2007 House: Referred to Committee on Science and Technology	[1/19/2007]
[Support] (074213262) Summary: Prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel.		
HB 1930 - Rapp (96) DMV; exempts federal, state, and local officials from fees charged for obtaining data from records.	1/4/2007 House: Referred to Committee on Transportation 1/16/2007 House: Reported from Transportation with substitute (22-Y 0-N)	[1/19/2007]
[Support] (073551480-H1) Summary: Exempts federal, state, and local officials from fees charged by DMV for obtaining data from DMV records.		

Bills	General Assembly Actions	Date of BOS Position
HB 2132 - Hugo (40) HOV lanes; extends sunset provision for vehicles bearing clean special fuel vehicle license plates.	1/8/2007 House: Referred to Committee on Transportation	[1/19/2007]
<p>[Support] (078273332)</p> <p>Summary: Extends the "sunset" to 2008 authorizing the use of certain HOV lanes by vehicles bearing clean special fuel vehicle license plates.</p>		
HB 2146 - Albo (42) Children; unlawful to leave unattended in vehicle.	1/9/2007 House: Referred to Committee on Transportation 1/16/2007 House: Referred to Committee for Courts of Justice	[1/19/2007]
<p>[Monitor] (077006412)</p> <p>Summary: Provides that any driver or operator of a motor vehicle who leaves an unattended child in a motor vehicle is guilty of a Class 1 misdemeanor. The bill defines "unattended child" as a child under six years of age who has been left in a motor vehicle by the driver or operator of the vehicle when the driver or operator is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child.</p>		
HB 2158 - O'Bannon, III (73) Adult Fatality Review Team; created, report.	1/9/2007 House: Referred to Committee on Health, Welfare and Institutions 1/16/2007 House: Reported from Health, Welfare and Institutions (22-Y 0-N) 1/16/2007 House: Referred to Committee on Appropriations	[1/19/2007]
<p>[Support] (071706440)</p> <p>Summary: Requires the Commissioner of the Department of Health and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent similar fatalities. The Team is charged with reviewing the death of any incapacitated adult of age 18 or older, and any adult of age 60 or older (i) who was the subject of an adult protective services investigation, or (ii) whose death was due to abuse or neglect or acts that suggest abuse or neglect, or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to § 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also exempts any information acquired during a review from the Virginia Freedom of Information Act.</p>		

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2233</u> - Nutter (7) Rail Enhancement Fund; governing body approving project must be received before funds expended.	1/9/2007 House: Referred to Committee on Transportation	[1/19/2007]
<p>[Support] (078003436) Summary: Expenditures from the Rail Enhancement Fund. Provides that a resolution from each local governing body of each locality within which a portion of a project is located approving the project must be received before funds may be expended.</p>		
<u>HB 2259</u> - Rust (86) Freedom of Information Act; records of regional and local park authorities.	1/9/2007 House: Referred to Committee on General Laws	[1/19/2007]
<p>[Support] (078408260) - Board position in Legislative Program. Summary: Expands the current record exemption for state or local park and recreation departments to include local and regional park authorities. As a result, certain records of such authorities are not subject to mandatory public disclosure.</p>		
<u>HB 2261</u> - Rust (86) Zoning violations; overcrowding of residential dwellings.	1/9/2007 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
<p>[Support] (073272492) Summary: Provides for enhanced fines for any conviction resulting from a violation of provisions related to overcrowding of residential dwellings. These violations shall not be punishable by a jail term.</p>		
<u>HB 2294</u> - McClellan (71) Workers' compensation; clarifies certain government employees.	1/9/2007 House: Referred to Committee on Commerce and Labor 1/16/2007 House: Reported from Commerce and Labor (19-Y 0-N)	[1/19/2007]
<p>[Support] (074387402) Summary: Classifies policemen, firefighters, sheriffs and their deputies, and certain other individuals who are generally deemed to be employees of their employing locality for purposes of the Virginia Workers' Compensation Act, as employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a state-approved request under the Emergency Management Assistance Compact.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2431 - Albo (42) Reversion of federal lands; State to take title to lands containing environmental contamination.	1/9/2007 House: Referred to Committee on General Laws	[1/19/2007]
<p>[Support] (078137204)</p> <p>Summary: Authorizes the Commonwealth to take title to federal lands containing environmental contamination if the United States agrees to indemnify the Commonwealth for associated liabilities and clean-up costs or otherwise provides satisfactory assurances that all corrective action necessary to protect human health and the environment will be taken at the sole expense of the United States.</p>		
HB 2484 - Bulova (37) Photo-monitoring systems; certain counties and cities may establish to enforce traffic light signal.	1/9/2007 House: Referred to Committee on Transportation	[1/19/2007]
<p>[Support] (078911254)</p> <p>Summary: Allows the Counties of Arlington and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth.</p>		
HB 2486 - Bulova (37) Trees; conservation thereof during development process for air quality improvement in certain.	1/9/2007 Referred to Committee on: Counties, Cities and Towns	[1/19/2007]
<p>[Support] (074265254) - Board position in Legislative Program. See also SB 939 (Ticer).</p> <p>Summary: Provides that certain localities may, by ordinance, require conservation of trees during the development process. The bill also provides that the tree conservation ordinance may require that the site plan for any subdivision or development provide for the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 10 years after development is projected to be as follows: (i) 10% tree canopy for a site zoned business, commercial, or industrial; (ii) 10% tree canopy for a residential site zoned 20 or more units per acre; (iii) 15% tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20% tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30% tree canopy for a residential site zoned one to five units per acre. Finally, the bill mandates that any tree conservation ordinance provide for reasonable exceptions to or deviations from the canopy requirements.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 2489 - Bulova (37) Single-family dwellings; time limit for construction of.	1/9/2007 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
<p>[Support w/ Amend.] (074264254) - Support with clarifying amendments.</p> <p>Summary: Allows localities to adopt an ordinance establishing a reasonable time limit for the construction of a single-family detached dwelling unit, or any exterior addition or modification to a single-family detached dwelling unit, located on a lot equal to or smaller than one acre in size or that is located 200 feet or less from the next closest single-family detached dwelling unit.</p>		
HB 2498 - Orrock, Sr. (54) Income tax, state; residential tax credit for increased accessibility and visitability for disabled.	1/9/2007 House: Referred to Committee on Finance	[1/19/2007]
<p>[Support] (076089448) - See also HB 1721, SB 791.</p> <p>Summary: Requires the Department of Housing and Community Development to develop guidelines establishing the eligibility requirements for the tax credit in § 58.1-339.7. Changes the name of the disabled tax credit to the "Livable Home Tax Credit" and extends it to any taxpayer who purchases a new residence. This bill is a recommendation of the Virginia Disability Commission.</p>		
HB 2553 - Ebbin (49) Freedom of Information Act; allows governing body to meet electronically when state of emergency.	1/9/2007 House: Referred to Committee on General Laws	[1/19/2007]
<p>[Support] (078031300)</p> <p>Summary: Allows a local governing body to meet by electronic communication means when a local state of emergency has been declared in accordance with § 44-146.21 provided (i) the meeting is necessary to take action to address the emergency, (ii) notice, reasonable under the circumstances, of the emergency meeting shall be given contemporaneously with the notice provided members of the local governing body conducting the meeting, (iii) the local governing body makes arrangements for public participation, and (iv) the local governing body otherwise complies with the requirements for electronic communication meetings.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2667 - Bulova (37) Signs; those located on real property of educational institution under jurisdiction of locality.	1/10/2007 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
<p>[Support] (071648254) - See also SB 1323.</p> <p>Summary: Provides that for the purpose of zoning, the governing body of a locality shall have jurisdiction over any advertising structure or any sign located on real property held, operated, or possessed by an educational institution described as being "at" such locality if such advertisement structure or any part of the advertising or informative contents of such sign is visible from real property that is not held, operated, or possessed by such educational institution. Nothing contained herein shall impair, limit, modify, or supersede any expressed term of any management agreement entered into on or before January 1, 2007.</p>		
HB 2669 - Sherwood (29) Freedom of Information Act; allows public bodies to meet by electronic communication without quorum.	1/10/2007 House: Referred to Committee on General Laws	[1/19/2007]
<p>[Support] (078643105)</p> <p>Summary: Allows public bodies to meet by electronic communication means without a quorum of the public body physically assembled at one location when (i) the Governor has declared a state of emergency in accordance with § 44-146.17, (ii) the meeting is necessary to take action to address the emergency, and (iii) the public body otherwise complies with the electronic communication meetings law. The bill also authorizes the local governing body to meet by electronic communication means when the Governor has declared a state of emergency in accordance with § 44-146.17 in an area that includes the locality and (a) the meeting is necessary to take action to address the emergency, (b) notice, reasonable under the circumstance, of the emergency meeting shall be given contemporaneously with the notice provided members of the public body conducting the meeting, (c) the local governing body makes arrangements for public participation, and (d) the local governing body otherwise complies with the electronic communication meetings law.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2711 - Barlow (64) Child unattended in a car; unlawful for younger than six years.	1/10/2007 House: Referred to Committee on Transportation 1/18/2007 House: Referred to Committee for Courts of Justice	[1/19/2007]
<p>[Monitor] (074323224)</p> <p>Summary: Provides that it is unlawful for any person who is responsible for a child younger than six years of age to leave such child unattended in a motor vehicle if the conditions within the vehicle or in the immediate vicinity of the vehicle, including outside temperature, present a risk to the health or safety of the child. The penalty for a first offense is a \$100 civil penalty, for a second offense a Class 4 misdemeanor, and for a third or subsequent offense a Class 3 misdemeanor.</p>		
HB 2726 - McClellan (71) Emergency plans; review of certain by localities.	1/10/2007 House: Referred to Committee on Militia, Police and Public Safety	[1/19/2007]
<p>[Support] (074386402)</p> <p>Summary: Grants authority to localities to request the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality.</p>		
HB 2811 - Sickles (43) Firearms; possession thereof in residences of mentally ill persons.	1/10/2007 House: Referred to Committee on Militia, Police and Public Safety	[1/19/2007]
<p>[Support] (075830510)</p> <p>Summary: Requires the Department of State Police, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop educational materials concerning the possession of firearms in homes occupied by a mentally ill person. Such materials shall be available on each Department's website. The Department of State Police shall also establish a program to allow for the storage of firearms by owners who reside in a home with a mentally ill person.</p>		
HB 2814 - Sickles (43) Zoning ordinance; denying, etc. application for rezoning when transportation network is inadequate.	1/10/2007 House: Referred to Committee on Counties, Cities and Towns	[1/19/2007]
<p>[Support] (078355124) - See also SB 1254.</p> <p>Summary: Denying or modifying an application for rezoning when transportation network is inadequate. Allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the</p>		

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Bills	General Assembly Actions	Date of BOS Position
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transportation network is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public and private resources will address the anticipated transportation impact of the proposed development.

HB 2821 - Sickles (43)
Freedom of Information Act; records containing social security numbers.

1/10/2007 House: Referred to Committee on General Laws

[1/19/2007]

[Support] (070862510)

Summary: Exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing an individual's social security number; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying.

HB 2863 - Moran (46)
Pedestrians; motorists to stop for those at marked crosswalks.

1/10/2007 House: Referred to Committee on Transportation

[1/19/2007]

[Support] (078437424)

Summary: Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians.

HB 2871 - McEachin (74)
Trusts, state and local; created to fund postemployment benefits other than pensions.

1/10/2007 House: Referred to Committee on Appropriations

[1/19/2007]

[Support] (078516410) - Consensus bill agreed to by many participants. See also SB 789.

Summary: Creates trusts or equivalent arrangements to fund the costs of providing postemployment benefits other than pensions for the Commonwealth and for counties, cities, towns, school divisions, and other political subdivisions of the Commonwealth.

Bills	General Assembly Actions	Date of BOS Position
<u>HB 3006</u> - Marsden (41) Investigation following conviction for criminal street gang activity;	1/10/2007 House: Referred to Committee for Courts of Justice	[1/19/2007]
[Support w/ Amend.] (079816390) - Support with amendment to delete reference to household members. Summary: States that upon conviction for certain youth gang offenses, the probation and parole officer shall verify the offender's immigration status. Permits further investigation of the offender's household.		
<u>HB 3066</u> - Miller (87) Wireless telecommunications devices; prohibits use thereof by certain drivers.	1/15/2007 House: Referred to Committee on Transportation	[1/19/2007]
[Support] (079368422) Summary: Prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel.		
<u>HJ 624</u> - Brink (48) Constitutional amendment; localities to exempt from taxation percentage of value of prop. (1st ref).	1/8/2007 House: Referred to Committee on Privileges and Elections	[1/19/2007]
[Support] (075565248) - VACo supports. See also SJ 398. Summary: Directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20% of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied.		
<u>SB 771</u> - Chichester (28) Public Building Authority; authorized to issue bonds for water treatment.	12/15/2006 Senate: Referred to Committee on Finance	[1/19/2007]
[Support] (074382129) - See also HB 1710 (Callahan). Summary: Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works to implement the Commonwealth's Chesapeake Bay Tributary Strategies.		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 789</u> - Stosch (12) Postemployment public benefits; creates trusts or equivalent arrangements to fund costs thereof.	12/27/2006 Senate: Referred to Committee on Finance	[1/19/2007]
<p>[Support] (077462824) - Consensus bill agreed to by many participants. See also HB 2871. Summary: Creates trusts or equivalent arrangements to fund the costs of providing postemployment benefits other than pensions for the Commonwealth and for counties, cities, towns, school divisions, and other political subdivisions of the Commonwealth.</p>		
<u>SB 791</u> - Puller (36) Residential tax credit; to improve accessibility and visitability for new or existing residence.	12/28/2006 Senate: Referred to Committee on Finance 1/16/2007 Senate: Reported from Finance with substitute (14-Y 0-N) 1/19/2007 Senate: VOTE: (38-Y 0-N)	[1/19/2007]
<p>[Support] ((Puller)) - See also HB 1721, HB 2498. Summary: Requires the Department of Housing and Community Development to develop guidelines establishing the eligibility requirements for the tax credit in section 58.1-339.7. Changes the name of the disabled tax credit to the "Livable Home Tax Credit" and extends it to any taxpayer who purchases a new residence. This bill is a recommendation of the Virginia Disability Commission.</p>		
<u>SB 806</u> - Puller (36) Charitable organizations; exceptions for those that engage in food distribution to needy.	1/3/2007 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/15/2007 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (14-Y 0-N) 1/15/2007 Senate: Rereferred to Rehabilitation and Social Services 1/19/2007 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 0-N)	[1/19/2007]
<p>[Support] (071725796-S2) Summary: Provides an exception for charitable organizations that engage in food distribution to the needy from both state and local regulations that require commercial-grade kitchens and equipment. Includes non-profit homeless shelters and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 817 - Cuccinelli, II (37) Rezoning application; locality may deny or modify request when existing network inadequate.	1/5/2007 Senate: Referred to Committee on Local Government	[1/19/2007]
[Support] (077466720) Summary: Allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development.		
SB 819 - Cuccinelli, II (37) Freedom of Information Act; records containing social security numbers and personal information.	1/5/2007 Senate: Referred to Committee on General Laws and Technology	[1/19/2007]
[Support] (078317720) Summary: Exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing personal information concerning an identifiable individual, including date of birth, social security number, driver's license number, bank account numbers, credit or debit card numbers, personal identification numbers, electronic identification codes, automated or electronic signatures, biometric data, or fingerprints; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying.		
SB 827 - Davis (34) Firearms; civil immunity for sellers, and requires criminal records check on transfers.	1/5/2007 Senate: Referred to Committee for Courts of Justice	[1/19/2007]
[Support] (075050726) Summary: Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds the definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check. The bill also provides that any party who sells, transfers, or trades a firearm shall be immune from all civil liability stemming from the use of the firearm sold, transferred, or traded in the commission of a crime if a criminal background check was conducted prior to the sale, transfer, or trade.		

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Bills	General Assembly Actions	Date of BOS Position
SB 829 - Davis (34) Photo-monitoring systems; established to enforce traffic light signals.	1/5/2007 Senate: Referred to Committee on Transportation 1/11/2007 Senate: Reported from Transportation with substitute (12-Y 2-N) 1/17/2007 Senate: Passed Senate. VOTE: (31-Y 8-N)	[1/19/2007]
[Support] (075052726) Summary: Allows the Counties of Arlington, Fairfax, and Loudoun, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.		
SB 835 - Davis (34) TANF; eligibility for food stamps if convicted of drug-related felonies.	1/5/2007 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2007 Senate: Reported from Rehabilitation and Social Services with substitute (15-Y 0-N)	[1/19/2007]
[Support] (075058726) Summary: Provides exemption to receive TANF benefits for persons who have been convicted of a felony drug offense pursuant to § 18.2-250 and comply with criminal court orders and treatment programs, as permitted by federal law.		
SB 848 - Lambert III (9) Assessments; notice of change.	1/5/2007 Senate: Referred to Committee on Finance 1/17/2007 Senate: Reported from Finance with amendment (15-Y 0-N)	[1/19/2007]
[Support] (074769748) Summary: Provides that if a change in assessment is due to an assessment made under §§ 58.1-3292 or 58.1-3292.1, which respectively require assessments of new buildings when completed and substantially completed, then notice of such change in assessment need not set out the immediately prior appraised or assessed value of the land or improvements, or the percentage change in the new tax levy from the immediately prior one.		
SB 865 - Miller (5) Temporary Assistance for Needy Families (TANF); time limit on receipt thereof.	1/8/2007 Senate: Referred to Committee on Rehabilitation and Social Services	[1/19/2007]
[Support] (077616768) Summary: Allows the children of VIEW participants to continue receiving TANF financial assistance beyond the initial 24-month period if (i) the VIEW-participating parent is no longer the children's legal guardian, (ii) another relative of the children now has legal custody, and (iii) the children otherwise meet the eligibility requirements set forth in §§ 63.2-602 through 63.2-607. This bill is contingent upon appropriation of funds.		

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Bills	General Assembly Actions	Date of BOS Position
SB 871 - Watkins (10) Photo-monitoring systems; certain counties and cities may establish to enforce traffic light signal.	1/8/2007 Senate: Referred to Committee on Local Government	[1/19/2007]
<p>[Support] (075711840)</p> <p>Summary: Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than 25 intersections at one time. Provisions within the bill set the maximum fine, limit the use and retention of images recorded, and provide other parameters and limitations for localities.</p>		
SB 934 - Ticer (30) TANF; eligibility for food stamps if convicted of drug-related felonies.	1/9/2007 Senate: Referred to Committee on Rehabilitation and Social Services	[1/19/2007]
<p>[Support] (074654828)</p> <p>Summary: Provides exemption to receive TANF benefits for persons who have been convicted of a felony drug offense pursuant to § 18.2-250 and comply with criminal court orders and treatment programs, as permitted by federal law.</p>		
SB 939 - Ticer (30) Trees; conservation thereof during development process for air quality improvement in certain.	1/9/2007 Senate: Referred to Committee on Local Government 1/16/2007 Senate: Failed to report (defeated) in Local Government (6-Y 8-N)	[1/19/2007]
<p>[Support] (071643828) - Board position in Legislative Program. See also HB 2486 (Bulova).</p> <p>Summary: Provides that certain localities may, by ordinance, require conservation of trees during the development process. The bill also provides that the tree conservation ordinance may require that the site plan for any subdivision or development provide for the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 10 years after development is projected to be as follows: (i) 10% tree canopy for a site zoned business, commercial, or industrial; (ii) 10% tree canopy for a residential site zoned 20 or more units per acre; (iii) 15% tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20% tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30% tree canopy for a residential site zoned one to five units per acre. Finally, the bill mandates that any tree conservation ordinance provide for reasonable exceptions to or deviations from the canopy requirements.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 971 - Howell (32) Sheriff's departments, city and county; supplemental liability insurance.	1/9/2007 Senate: Referred to Committee on General Laws and Technology 1/17/2007 Senate: Reported from General Laws and Technology (15-Y 0-N)	[1/19/2007]
[Support] (078868744) Summary: Provides that a sheriff's department of any city or county shall not be precluded from securing supplemental liability insurance coverage beyond the coverage provided by the Division.		
SB 995 Medicaid eligibility; young adults transitioning from foster care.	1/9/2007 Senate: Referred to Committee on Education and Health	[1/19/2007]
[Monitor] (078188702) Summary: Requires the Department of Medical Assistance Services to amend the state plan to provide for the payment of medical assistance, pursuant to The Foster Care Independence Act of 1999, for any individual who (i) was receiving foster care services on his eighteenth birthday, (ii) continues to receive independent living services pursuant to § 63.2-905.1, and (iii) has not yet reached his twenty-first birthday. Such individuals shall not be subject to Medicaid income limits.		
SB 1043 - O'Brien (39) DMV; to develop and distribute materials for parents of certain minors.	1/9/2007 Senate: Referred to Committee on Transportation	[1/19/2007]
[Support] (079303784) Summary: Requires the Department of Motor Vehicles, in cooperation with the Department of Education, to develop, produce, and make available instructional materials for use by parents of minors who hold learner's permits or provisional driver's licenses. These materials are to be designed to assist parents in ensuring that their children develop the skills, knowledge, habits, and awareness necessary for becoming safe drivers. They are, further, to be made available free of charge in the Department's Customer Service Centers.		

Bills	General Assembly Actions	Date of BOS Position
<u>SB 1176</u> - Stolle (8) Pawnbrokers and secondhand dealers; adds regulation thereof to current statutes regulating.	1/10/2007 Senate: Referred to Committee on General Laws and Technology	[1/19/2007]
<p>[Support] (071534820)</p> <p>Summary: Adds the regulation of secondhand dealers and secondhand stores to current statutes regulating pawnbrokers. The bill also (i) requires secondhand dealers to prepare a daily report of goods and items sold to them, (ii) requires a pawnbroker to maintain records of each loan or transaction in the course of business for a period of one year, (iii) requires pawnbrokers and secondhand dealers to obtain a single thumbprint of the person pawning or selling an item, and (iv) authorizes localities to enact an ordinance requiring pawnbrokers and secondhand dealers to report their daily transactions electronically to a designated law-enforcement official of the locality. The bill adds secondhand dealers to the existing penalty provisions for pawnbrokers.</p>		
<u>SB 1208</u> - Hanger, Jr. (24) Background checks; requirement for employees, etc. that work for children's residential facilities.	1/10/2007 Senate: Referred to Committee on Rehabilitation and Social Services	[1/19/2007]
<p>[Support] (071718116)</p> <p>Summary: Strengthens criminal background check requirements for employees, volunteers, and providers of contractual services to children's residential facilities. Requires Departments to obtain the results of the background check before allowing an applicant to work with children. Adds numerous statutory offenses, including abduction, carjacking, threats, stalking, use of a machine gun, child pornography, incest, and felony drug possession, to the list of crimes that preclude employment at children's residential facilities. Additional offenses parallel those identified as "barrier crimes" in § 63.2-1719. Permits a children's residential facility to hire applicants with a misdemeanor conviction for assault and battery, provided 10 years have elapsed and the offense did not occur in the context of former employment or volunteer work. Prohibits state children's residential facilities from hiring employees or accepting volunteers who have a founded case of child abuse or neglect. The new requirements only apply to persons who were not working or volunteering at the facility prior to July 1, 2007.</p>		

Bills	General Assembly Actions	Date of BOS Position
<u>SB 1211</u> - Hanger, Jr. (24) Resources Authority; expands projects that can be financed to include land conserv. & preservation.	1/10/2007 Senate: Referred to Committee on General Laws and Technology 1/17/2007 Senate: Reported from General Laws and Technology (14-Y 0-N)	[1/19/2007]
[Support] (077439732) Summary: Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation.		
<u>SB 1254</u> - Herring (33) Zoning ordinance; denying, etc. application for rezoning when transportation network is inadequate.	1/10/2007 Senate: Referred to Committee on Local Government	[1/19/2007]
[Support] (078354124) - See also HB 2814. Summary: Denying or modifying an application for rezoning when transportation network is inadequate. Allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public and private resources will address the anticipated transportation impact of the proposed development.		
<u>SB 1323</u> - Cuccinelli, II (37) Signs; those located on real property of educational institution under jurisdiction of locality.	1/11/2007 Senate: Referred to Committee on Local Government	[1/19/2007]
[Support] (079197720) Summary: Provides that for the purpose of zoning, the governing body of a locality shall have jurisdiction over any advertising structure or any sign located on real property held, operated, or possessed by an educational institution described as being "at" such locality if such advertisement structure or any part of the advertising or informative contents of such sign is visible from real property that is not held, operated, or possessed by such educational institution. Nothing contained herein shall impair, limit, modify, or supersede any expressed term of any management agreement entered into on or before January 1, 2007.		

Bills	General Assembly Actions	Date of BOS Position
SJ 378 - O'Brien (39) Teen driver training programs; joint subcommittee to study revision of curriculum therefor.	1/9/2007 Senate: Referred to Committee on Rules	[1/19/2007]
[Support] (079305784) Summary: Establishes a 10-member joint subcommittee to study revision of the curriculum for teen driver training programs.		
SJ 398 - Whipple (31) Constitutional amendment; localities to exempt from taxation percentage of value of property.	1/10/2007 Senate: Referred to Committee on Privileges and Elections	[1/19/2007]
[Support] (075566844) - VACo supports. See also HJ 654. Summary: Directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20% of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied.		

Summary of the Republican Transportation Plan January 18, 2007

The plan includes three parts: new transportation funding, changes to the relationship between land use and transportation and Virginia Department of Transportation Reforms. Each is described in more detail below. *(This County staff summary is based on information provided by the Republicans without the benefit of reviewing the actual legislation in most cases).*

New Transportation Funding

Statewide Package

1. Recurring New Transportation Revenues

- *A portion of these funds will be used to pay debt service on bonds below.*
- *The remainder may be available to address maintenance deficit and/or new construction projects. This point is not clear in the material provided so far.*
 - General Funds (Gov. Budget has \$160M for FY 2008 only) \$ 250 M
 - Dedicate 50% of annual surplus (average) 64 M
 - Abusive Driver Fees 61 M
 - Increase Tax on Diesel Fuel from 16.5 to 17.5 cents/gal. 20 M
 - Equalize Tax on Diesel Fuel and Gasoline
 - Increase Overweight Truck Penalties and Registration Fees 30 M
 - Increase Vehicle Registration Fees by \$10/year \$ 71 M
 - Total \$ 496 M

2. One-time General Funds

- *Likely to be allocated to one-time construction projects. A specific list was not provided. (Governor included a list in his budget amendments).*
- (\$339 M already approved in FY2007 budget) \$ 339 M

3. New Bonds for Major Transportation Projects

- *Likely to be allocated to one-time construction projects. A specific list was not provided.*
- FY 2008 to FY 2012 \$ 1,300 B
- FY 2012 + \$ 0,700 B
- Total \$ 2,000 B

4. Funding from auto insurance prem. taxes for FRAN debt service \$ 134 M

Northern Virginia Package

- *All taxes to be implemented by local governments, at their option*
 - Increase in Rental Car Tax – 2% \$ 8 M
 - Commercial Real Estate Assessment (\$.28/\$100 value) \$ 275 M
 - Local Congestion Relief Fee (Grantor's Tax; \$0.40/\$100 value) \$ 95 M
 - Initial Driver's License Fee \$ 6 M
 - Annual Total \$ 384 M

Land Use

HB 1742 (Marshall) (HTRAN) prohibits taking additional streets into the state secondary highway system on or after January 1, 2008, unless they are within an area subject to control by a homeowners association. (071149220)

HB 2227 (Wardrup) (HTRAN) The CTB is required to promulgate new regulations establishing subdivision street requirements and conditions for acceptance by VDOT. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto. (079332124-substitute)

HB 2777 (Athey) (HCCT) provides that every county that has adopted zoning shall, and any city or town may, amend its comprehensive plan to incorporate one or more proposed urban development areas, if such locality meets the criteria for high growth. For purposes of this section, an urban development area is an area designated by a locality that is most suited for development due to proximity to transportation facilities, the availability of public water and sewer, and its proximity to a city, town or other developed area. The comprehensive plan shall designate one or more urban development areas sufficient to meet projected residential growth in the locality for the ensuing 20-year period. Any comprehensive plan amended pursuant to this section shall also be amended to incorporate the opportunity for development that includes features that promote an improved quality of life. No county, city or town that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or any application for rezoning based solely on the fact that the property is located outside the urban development area. Counties shall have until July 1, 2011, to amend their comprehensive plans in accordance with these provisions. Board discussion. (071151220-substitute)

HB ____ (Frederick) Impact fees. Board discussion. (substitute)

VDOT Reforms

- *Statewide Transportation Performance Measures to Relieve Highway Congestion.*
 - Provides that quantifiable and achievable goals relating to congestion reduction and safety, as well as other important performance measures, be instituted and considered by VDOT/CTB in project selection.
- *Ensure Competitively Bid Any and All of VDOT's Functions.*
 - Require VDOT to take steps as may be appropriate to outsource or privatize the Department's functions while allowing departmental employees to bid to continue any specific function or functions that might reasonably be provided
- *Streamline State Environmental Review Process.*


- Require that state agencies' comments on highway construction projects be completed and submitted to the Secretaries of Transportation and Natural Resources within 15 days.
- *Require Tolls operated by VDOT be Fully Automated Electronically.*
- Require Virginia toll facilities to become capable of fully automated electronic operation, employing innovative technologies and procedures to reduce traffic delays.
- *VDOT to Reconsider and Reassign Road Classification.*
- Require VDOT to reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems based on their functionality.
- *General Assembly Selection of Certain Commonwealth Transportation Board Members*
- Provide for the election of non-at-large representatives of Commonwealth Transportation Board (CTB) by the General Assembly, providing necessary oversight and responsiveness. The power to hire the VDOT Commissioner, promoting better continuity and performance in that role, would remain the responsibility of the CTB.



County of Fairfax, Virginia

MEMORANDUM

VIA EMAIL; FACSIMILE COPY TO FOLLOW

DATE: January 5, 2007
TO: Board of Supervisors
FROM: Susan E. Mittereder
Legislative Director 
SUBJECT: Governor Kaine's 2006-2008 Budget Amendments

Governor Kaine presented his budget amendments for the 2006-2008 biennium to the joint money committees in Richmond on December 15, 2006. The Governor indicated that his budget amendments reflect four basic principles including:

- Fully funding the Rainy Day Fund;
- Targeting non-recurring one-time use projects, primarily in the areas of education and transportation;
- Limiting spending increases on recurring expenses to priorities that move Virginia forward in meeting health care, education, public safety, environmental and economic development objectives; and
- Providing targeted tax relief for Virginia's working families.

This memo highlights some issues identified by staff that are either of particular concern or significance to Fairfax County. A preliminary chart outlining additional areas of interest and an estimated impact of the Governor's amendments on the County is being prepared by the Departments of Management and Budget and Transportation, and will be provided to the Board when completed.

HB 599 Funding

Of significant concern to the County in the Governor's budget amendments is a proposal to create a new distribution formula for a portion of the HB 599 funding for localities with police departments. HB 599 funding is one of the largest sources of state General Funds provided directly to the County government. The Governor's proposal would allocate 60 percent of new HB 599 funds (above the FY 2007 level) to localities according to the existing distribution formula, while allocating the remaining 40 percent of new funding exclusively to 20 localities with the highest average rates of violent crime. As a result, while the County will see an increase of more than \$600,000 in FY 2008, the County would have received over \$1.6 million in additional funding without a formula change (accounting for approximately half of the additional funding lost by counties under this new formula distribution).

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This is a significant funding loss for the County in the short-term, and raises concerns about the potential precedent for HB 599 funding distribution in the long-term. In fact, we anticipate that related statutory changes may be introduced during this session, which will be brought to the attention of the Board.

It is important to note that Fairfax County has been sympathetic to the problem of violent crime. The Board of Supervisors has had positions dating back to the 1994 GA supporting special funding consideration for large urban areas with high violent crime rates. However, it has been the historic position of the County that this funding should be addressed through an additional funding mechanism without altering the existing HB 599 funding formula, which provides funding to localities that have their own police departments.

Other key points which should be considered are:

- Population and population density, which are in the current formula, should continue to be important factors in the distribution of 599 funds. As population density increases, the demands on local law enforcement also increase. This is particularly true for both the urban and urbanized-suburban localities, such as the County.
- Violent crime is only one aspect of urban crime – a locality like Fairfax County has to deal with a broad range of threats to public safety, including immigration-related issues and homeland security concerns.
- State Comp Board funding for sheriffs is provided to localities that do not have their own police departments at a much higher proportion of expenses than 599 funding is provided to localities that do have police departments.
- Growth in HB 599 funding is a floating rate based on state revenue increases. Fairfax County and other Northern Virginia localities are a driving force in generating increased revenues for the state, and this is one of the few funding formulas where the County receives a “fair” return from state General Funds.
- Under the existing 599 distribution formula, 44.7 percent of funding goes to counties, 8.6 percent goes to towns, and 46.7 percent goes to cities; under the proposed new distribution formula, counties drop to 20.6 percent, town drop to 4.2 percent, and cities rise to 75.2 percent, turning the formula on its head.

The proposed change to the formula is a divisive issue that aligns most urban counties, most cities, and essentially all towns against 20 cities with the highest violent crime rates (some of which actually do better under the existing formula than under the new proposal). As localities around the Commonwealth change over time, the distribution effects of a particular funding formula begin to change as well; reopening one formula to achieve a particular result may lead to reconsideration of other funding formulas that no longer reflect the current reality of a large, urban county like Fairfax. The County generally has not chosen to propose formula changes that would take money from other localities (for example, in transportation and education); instead, it has been the County’s position that total state funding for a particular program should be increased, so that “all boats are raised.” As suggested earlier, creation of an

additional funding mechanism, separate from HB 599 funding, would satisfy the needs of cities dealing with high violent crime rates, without taking funding from other localities. Staff is working on an analysis of the effects of the new formula, but there is some question about the reliability of our data, and it is not ready for release yet. It will be provided to the Board as soon as it is fully verified.

Transportation Funding

The largest proposed infusion of surplus spending consists of \$500 million of General Funds for transportation enhancements, which includes the \$339 million set aside by the General Assembly the previous session and \$161 million in General Funds (GF) added by the Governor. This new money funds several important projects in Fairfax County, including:

- \$305 million to advance four highway projects, including High Occupancy Toll (HOT) lanes on the Capital Beltway and widening U.S. Route 50 in Fairfax and Loudoun Counties. Specific funding allocations are not identified for each individual project;
- \$60 million to transit projects, including \$20 million to support rolling stock acquisition for the Washington Metropolitan Area Transit Authority, \$15 million for the Virginia Railway Express and \$15 million for a statewide bus purchase;
- \$65 million for rail improvements in the I-95 and I-81 corridors; however, specific amounts are not identified for each corridor;
- \$20 million for implementing solicited private sector initiatives to employ highway, transit, demand management and consumer technologies to reduce congestion and improve travel times in Northern Virginia and Hampton Roads.

However, in his December 15 speech to the money committees, the Governor made clear that this package cannot be a substitute for the long-term, sustainable revenue needed to solve the state's transportation crisis, which is particularly acute in the Northern Virginia and Hampton Roads regions of the Commonwealth. On January 4, the Governor presented his proposal for a comprehensive transportation solution.

Additional transportation items of note in the Governor's amendments include:

- An additional \$9.3 million in 2007 and \$14.1 million in 2008 in the Department of Rail and Public Transportation budget to align the budget with Commonwealth Transportation Board (CTB) estimates;
 - A decrease of \$117.8 million in 2007 and \$537.7 million in 2008 in the Department of Transportation budget to more accurately reflect revenues begin generated for the Transportation Trust Fund (TTF) and the Highway Maintenance and Operations Fund. The impact of these cuts further reduces funding for the Secondary Road Program by \$49.1 million (a 20.9 percent decrease) in 2007 and \$94.6 million in 2008 (a 40.3 percent reduction).
 - The transfer of an additional \$19.3 million from the highway construction program to maintenance – in itself, this is not a significant amount, but it continues the trend of construction funds being used for maintenance.
-

- Funding for the land development reviews directed by the 2006 General Assembly, which is supported by the anticipated collection of associated fees.
- It should be noted that unlike Governor Warner's budget proposal last year, none of the \$500 million in GF being proposed for transportation is being allocated to match federal earmarks or pay debt service on Federal Revenue Anticipation Notes (FRANs). As a result, these two items will need to be paid from the TTF which will reduce the amount of money available for allocation through the formula program.

Other Issues

There are several other issues of significance to the County included in the Governor's budget amendments:

- Fee System Child Care: The budget includes no additional funding for non-TANF child care subsidies for low-income working families;
- Mental Health: The budget includes funding for approximately 18 new MR Waiver slots in the County;
- PACE: The budget includes \$250,000 for start-up costs related to a Northern Virginia Program for the All-Inclusive Care for the Elderly (PACE) site;
- Taxes: The budget increases the filing threshold on state income tax from \$7,000 to \$12,000 for an individual and from \$14,000 to \$24,000 for a married couple, eliminating state income taxes for 147,000 Virginians;
- WOIF: The budget proposes a \$250 million bond package for upgrading wastewater treatment plants in the Chesapeake Bay watershed.

Additional information will be provided to the Board, as previously mentioned. If you have any questions, please call me or the other legislative staff in Richmond beginning **January 8th at 804-788-4536**. This memo will be shared with the Delegation at their public hearing on **Saturday, January 7th** for their information as well.

Attachments

cc (hard copy): Members, Fairfax County Delegation to the Virginia General Assembly
 Anthony H. Griffin, County Executive
 Richmond Team

cc (email only): Senior Management Team
 Legislative Review Team

Budget Proposals for the 2006-2008 Biennium

Budget Bill Item #	Issue	Fairfax County Impact
Public Safety		
393	State Aid to Localities with Police Departments (HB 599) Governor Kaine's Budget: Provides an additional \$1.1 million in FY 2008 for a total of \$8.3 million over the FY 2007 level. Changes the funding methodology for the additional funding to the following: a. Sixty percent of the additional funding will be allocated according to the original distribution formula; b. Forty percent of the additional funding will be allocated to the 20 cities or counties with the highest average rates of violent crime.	Under the proposed methodology (60/40), Fairfax County will receive an additional \$663,715. However, this is \$959,183 less than what the County would have received under the original distribution formula.
421	Wireless E-911 Governor Kaine's Budget: Provides an additional \$650,000 in FY 2008 from the Wireless E-911 Fund to support the efforts of the Virginia Geographic Information Network, or its counterpart, for providing the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services.	Unknown
Corrections		
59	Enhance Retirement Benefits for Law Enforcement Officers Governor Kaine's Budget: Provides an additional \$11.5 million (GF) in FY 2008 for additional reimbursement to localities and regional jail authorities that include their Sheriffs' deputies and regional jail officers in the Law Enforcement Officers' Retirement System (LEOS) or under any system that offers comparable benefits.	The estimated amount for Fairfax County is \$317,177 based on 418 approved sworn officer positions in the Office of the Sheriff and a fiscal stress index factor of 140.10. This is an increase over the \$0.4 million that the County is expected to receive in FY 2007.
383	Virginia Serious and Violent Offender Reentry (VASAVOR) Governor Kaine's Budget: Provides \$579,900 (GF) in FY 2008 to replace federal funds which are expiring for the VASAVOR pilot programs in Fairfax County and the City of Newport News. This is part of the offender reentry initiative.	The State Department of Corrections will receive \$500,737 to administer the Fairfax program. Funding is provided to a number of departments within the County including Family Services, (via the Northern Virginia Workforce Investment Board and the SkillSource Group), the Fairfax-Falls Church Community Services Board, and the Office of the Sheriff, as well as local non-profits. FY 2007 County funding totals \$366,000 and 2.0/2.0 SYEs, with the remaining money going to the local non-profits.

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Budget Proposals for the 2006-2008 Biennium

Budget Bill Item #	Issue	Fairfax County Impact
	<p><u>Fairfax Adult Detention Center</u></p> <p>Governor Kaine's Budget: Assumes \$3.3 million in savings in FY 2007 and FY 2008 due to a delay in the opening of all new floors in the expansion of the Fairfax Adult Detention Center.</p>	<p>The Governor's recommended Budget removes all funding for 56 positions associated with the expansion of the Adult Detention Center for fiscal years 2007 and 2008. This results in a potential loss of revenue since funding would no longer be available in the base budget to fund these positions should additional floors at the Adult Detention Center open.</p>
	<u>Emergency Management</u>	
395	<p><u>Emergency Preparedness</u></p> <p>Governor Kaine's Budget: Provides \$3.5 million (GF) in FY 2008 to establish an Evacuation Facility Grant program. The intent of this program is to ensure adequate facilities are available to house individuals forced to leave their homes due to an emergency. Grant criteria will be developed. This grant program is part of the All Hazards Readiness Initiative which will address emergency preparedness critical needs in the state. In addition to the Evacuation Facility Grant program, the funds would improve emergency communications with the public, upgrade equipment and fund disaster planning.</p>	<p>Potential grant opportunity.</p>
	<u>Health and Human Resources</u>	
279	<p><u>Comprehensive Services Act (CSA)</u></p> <p>Governor Kaine's Budget: Replaces federal funds that were planned as revenues to support CSA activities with GF; federal revenue shortfall results from fewer CSA children than expected being eligible for Medicaid.</p>	<p>No change in revenues to the County.</p>
302 KK	<p><u>Pediatric Service Rates</u></p> <p>Governor Kaine's Budget: Provides \$5.2 million (GF) and \$5.8 million (NGF) to increase pediatric service rates by an additional 8% effective July 1, 2007, resulting in a 15% rate increase in FY 2008.</p>	<p>Increases the reimbursement rate available to the County for Medicaid-billed fee-for-service pediatric services.</p>
302.AAA	<p><u>Program for the All-inclusive Care for the Elderly (PACE)</u></p> <p>Governor Kaine's Budget: Includes one-time funding of \$250,000 (GF) in FY 2008 to establish an additional PACE program in Northern Virginia.</p>	<p>The \$250,000 will support start-up costs related to PACE in Fairfax/Alexandria.</p>
281	<p><u>Home-delivered Meals</u></p> <p>Governor Kaine's Budget: Provides an additional \$704,000 in FY 2008 to increase the number of home-delivered meals provided to the frail elderly by local area agencies on aging. Funding will provide an additional 135,000 meals.</p>	<p>Potential increase of \$41,600 and 2,971 meals. The amount, however, is not certain, as there are several issues to be worked out with the distribution formula such as how the hold harmless provision alters the allocation to the various jurisdictions.</p>

Budget Proposals for the 2006-2008 Biennium

Budget Bill Item #	Issue	Fairfax County Impact
3.1.01EE	<p><u>Purchase of Influenza Antiviral Treatment</u></p> <p>Governor Kaine's Budget: Includes \$9.6 million (GF) in FY 2007 to purchase the maximum number of influenza antiviral treatments available from the federal government in preparation for a possible pandemic.</p>	<p>Impact already accounted for in planning by local health departments in conjunction with VDH. (NOTE: A separate purchase is being made through NVRC for Metro DC/Northern Virginia Metro Medical Response System (MMRS) and is not a part of this appropriation.)</p>
312.Z and AA	<p><u>Increase Community Mental Retardation Waiver Slots</u></p> <p>Governor Kaine's Budget: Shifts funding for MR Waiver slots to increase the number of slots available for community-based waiting lists in FY 2007. Use of slots by persons moving from state training centers to community-based services is occurring at a slower pace than anticipated. Funds are being moved to cover additional slots identified locally.</p>	<p>CSB estimates that 18 new slots may be opened for County residents currently on the MR waiver slots waiting list. On 1/1/07, 489 persons from Fairfax-Falls Church CSB are on the state's "official" wait list (both urgent and non-urgent).</p>
302.JJJ.1	<p><u>Inpatient Hospital Psychiatric Rates</u></p> <p>Governor Kaine's Budget: Provides \$3.3 million (GF) and \$1.6 million (NGF) in FY 2008 to increase the rates paid for inpatient hospital psychiatric services from 78% to 84% of allowable costs. The rate increase is designed to stem the loss of inpatient psychiatric beds and improve access to psychiatric services in local hospitals as opposed to state facilities.</p>	<p>Intended to provide some assistance in addressing inpatient psychiatric bed shortages.</p>
334	<p><u>Funds Costs to Comply with New Federal TANF Requirements</u></p> <p>Governor Kaine's Budget: Replaces TANF funds used to support a wide-range of programs (i.e. Healthy Families) with General Funds, in order to return TANF funds for employment support, child care, and programmatic changes needed to meet new federal TANF requirements under reauthorization.</p>	<p>Serves to meet federal TANF requirements filling state gap; programs previously funded by TANF now funded with GF; minimal direct county budget impact.</p>
334	<p><u>FY 2007 Child Care Assistance and Referral (CCAR)</u></p> <p>Governor Kaine's Budget: Due to the reallocation of federal pass-through funds to address increased TANF/VIEW caseloads statewide, additional one-time state money has been provided to offset the loss of federal funds.</p>	<p>Provides the County with one-time funding of \$3.4 million in FY 2007 to mitigate loss of federal funds.</p>
NA	<p><u>FY 2008 Child Care Assistance and Referral (CCAR)</u></p> <p>Virginia Department of Social Services: Continues reallocation of federal pass-through funds to address increased TANF/VIEW caseloads statewide.</p>	<p>The Department of Family Services has been notified that there will be an additional revenue reduction of \$2.6 million in federal pass-through funds in FY 2008 bringing the total revenue reduction to \$13.0 million (\$10.4 million in FY 2007) for the purchase of child care services.</p>

Budget Proposals for the 2006-2008 Biennium

Budget Bill Item #	Issue	Fairfax County Impact
337	<u>Auxiliary Grant Rates</u> Governor Kaine's Budget: Increases the rate on Jan 1, 2007 to \$1,205 in Northern Virginia.	Provides increased payment for residents living in County-owned/operated Assisted Living Facilities.
338	<u>Child Welfare Services</u> Governor Kaine's Budget: Replaces federal reductions with General Funds to maintain child welfare services.	Would have impacted local staffing, and training of foster parents & staff, if federal funds not replaced.
338	<u>Increase Payments to Foster Care Families</u> Governor Kaine's Budget: Increases maintenance payments made to foster family homes & special needs adoption homes by 10%.	No direct budget impact. Could serve to assist in maintaining foster family homes & special needs adoptions.
<u>Other State Funding</u>		
364	<u>Water Quality Improvement Fund (WQIF)</u> Governor Kaine's Budget: Provides \$9.1 million to the Virginia Water Quality Improvement Fund, including \$1.6 million for point source nutrient reduction and \$7.5 million for non-point source nutrient reduction..	No direct impact.
C-41	<u>Patriot Center Addition</u> Governor Kaine's Budget: Provides supplemental funding for the construction of the Patriot Center addition originally authorized in 1998. The total cost of the project with the supplement is \$21.6 million.	No direct impact.
C-55.86	<u>Fairfax Performing Arts Center</u> Governor Kaine's Budget: Provides supplemental funding for the construction of the Fairfax Performing Arts Center originally authorized in 2006. The total cost of the project with the supplement is \$10.0 million.	No direct impact.
Total Known Impact to Fairfax County Government (as of January 17, 2007) Governor Kaine's Budget Amendments General Fund FY 2008 Increase over FY 2007 \$1.0 million FY 2008 CCAR Revenue Reduction (\$2.6 million) Net Reduction* (\$1.6 million) * Does not include loss of \$0.9 million due to change in HB599 funding formula * Does not include potential revenue loss due to elimination of funding (\$1.65 million each year) at the Adult Detention Center Non-General Fund FY 2008 Increase over FY 2007 \$0.3 million		

Budget Proposals for the 2006-2008 Biennium

**Budget
Bill
Item #
135**

Issue	FY 2008 Fairfax County Public Schools (FCPS) Impact
Public Education	
<u>Basic Aid and Sales Tax</u>	
Governor Kaine's Budget: An increase of \$6.1 million due to a revised estimate of sales tax for a total of \$1,198.7 million, this results in a Basic Aid reduction of \$3.4 million for a net increase to localities of \$2.7 million.	FCPS will receive an additional \$0.4 million in FY 2008 over the FY 2008 Superintendent's Proposed Budget of \$349.5 million.
<u>Salary Increase</u>	
Governor Kaine's Budget: Provides \$63.9 million for the state's share of a three percent salary increase for instructional and support staff, effective December 1, 2007. The equivalent percentage increase on an annual basis as of July 1, 2007 is 1.75%.	FCPS will receive an additional \$4.0 million in FY 2008 for salary adjustments over the FY 2008 Superintendent's Proposed Budget.
<u>New or Expanded Programs in the Direct Aid Budget</u>	
Governor Kaine's Budget: Provides a total of \$8.0 million in FY 2008 for expansion of the Standards of Learning Algebra Readiness program and for expansion of the Early Reading Intervention program.	FCPS will receive an additional \$0.2 million over the FY 2008 Superintendent's Proposed Budget.
<u>Fringe Benefit Rates</u>	
Governor Kaine's Budget: Provides \$4.3 million in FY 2008 for updated fringe benefit rates for group life and the retiree health care credit. For the group life contribution, the rate decreases from 0.45 percent to 0.40 percent and for the retiree health care credit, the rate increases from 0.49 percent to 0.70 percent.	FCPS will receive an additional \$0.2 million over the FY 2008 Superintendent's Proposed Budget. However, FCPS estimates that required expenditures will increase an additional \$1.4 million in FY 2008.
<u>Revised Lottery and Technical Adjustments</u>	
Governor Kaine's Budget: Total reduction of \$11.1 million. Reduction of \$8.0 million in FY 2008 is based on the revised estimated impact of the North Carolina lottery which began in April 2005. Reduction of \$3.1 million in FY 2008 is due to technical updates to the English as a Second Language account and Remedial Summer School account.	Total decrease of \$0.8 million over the FY 2008 Superintendent's Proposed Budget.
Total Impact to Fairfax County Public Schools (as of January 17, 2007)	
Governor Kaine's Budget Amendments	
FY 2008	
State Funding Increase Over FY 2008 Proposed Budget	\$4.0 million
Fringe Benefit Rates Expenditure Increase	(\$1.4 million)
Net Increase - FY 2008 over FY 2008 Proposed Budget	\$2.6 million